

Digitized by the Internet Archive  
in 2022 with funding from  
University of Toronto

<https://archive.org/details/31761114671142>





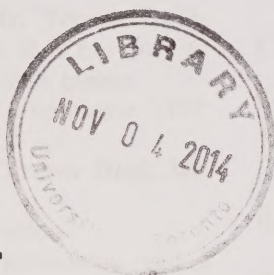
M-1

M-1

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament



## Official Report of Debates (Hansard)

Wednesday 22 October 2014

Standing Committee on  
the Legislative Assembly

Organization

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

## Journal des débats (Hansard)

Mercredi 22 octobre 2014

Comité permanent de  
l'Assemblée législative

Organisation



### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 22 October 2014

Mercredi 22 octobre 2014

*The committee met at 1306 in committee room 1.*

## ELECTION OF CHAIR

**The Clerk of the Committee (Mr. Trevor Day):** Good afternoon. Honourable members, it is my duty to call upon you to elect a Chair. Nominations, please.

**Mr. Bas Balkissoon:** Mr. Clerk, I nominate MPP Toby Barrett as Chair of the committee.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Balkissoon nominates Mr. Barrett.

Mr. Barrett, do you accept the nomination?

**Mr. Toby Barrett:** I thank my nominator, and I would be pleased to accept.

**The Clerk of the Committee (Mr. Trevor Day):** All right. Are there any further nominations?

Seeing no further nominations, the nominations are closed. Mr. Barrett, you are duly elected as Chair of the committee. Please step forward.

**The Chair (Mr. Toby Barrett):** Nobody escorts me up?

**The Clerk of the Committee (Mr. Trevor Day):** There's no escort.

**The Chair (Mr. Toby Barrett):** I would just like to say thank you again. Before we go to the next order of business, I'll just mention that this is our committee. I'll try and do my best to make sure it's productive, that we get a lot done and everybody has a say. I've sat on committees for many, many years. We all like to contribute, especially if it's something very, very important for our book of business.

Just given what's going on today, if there are any safety or security issues, the gavel will come down real fast and then we'd go out the windows or the door or whatever is appropriate.

**Ms. Soo Wong:** The window? Okay.

**The Chair (Mr. Toby Barrett):** That includes fire alarms—we're out the door.

Please feel free to whisper in my ear or give me a note or let me know if I'm not performing my duties or if there's anything I should be doing.

## ELECTION OF VICE-CHAIR

**The Chair (Mr. Toby Barrett):** Our next order of business is election of a Vice-Chair. I would ask for a motion.

**Mr. Bas Balkissoon:** Chair, I would like to nominate MPP Garfield Dunlop as Vice-Chair.

**Mr. Garfield Dunlop:** Thank you.

*Interjections.*

**Mr. Bas Balkissoon:** I told you: I'm everywhere, and I'm doing you a big one.

**The Chair (Mr. Toby Barrett):** All right. Just for the record, Mr. Balkissoon has nominated Mr. Dunlop as Vice-Chair.

Garfield, did I hear a response from you?

**Mr. Garfield Dunlop:** Yes. I'm honoured to accept the position.

**The Chair (Mr. Toby Barrett):** Is it the pleasure of the committee that the motion carry? Carried.

## APPOINTMENT OF SUBCOMMITTEE

**The Chair (Mr. Toby Barrett):** Next order of business: appointment of the subcommittee on committee business.

**The Clerk of the Committee (Mr. Trevor Day):** Ms. McMahon's got the motion.

**The Chair (Mr. Toby Barrett):** Sure. Priorities. Coffee first.

**Ms. Eleanor McMahon:** Coffee first, Mr. Chair.

**The Chair (Mr. Toby Barrett):** Ms. McMahon, you have a motion?

**Ms. Eleanor McMahon:** Thank you, Mr. Chair. I do. On the appointment of a subcommittee on committee business, I have a motion to be moved in committee.

I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and

That the subcommittee be composed of the following members: the Chair as Chair, Ms. Wong, Ms. Scott and Mr. Singh; and

That substitution be permitted on the subcommittee.

**The Chair (Mr. Toby Barrett):** We have a motion before us. Is there any discussion with respect to membership of the subcommittee? All in favour? Carried.

## COMMITTEE BUSINESS

**The Chair (Mr. Toby Barrett):** Yes, Ms. Wong.



**Ms. Soo Wong:** Mr. Chair, I have a motion before the committee—

*Interjection.*

**Ms. Soo Wong:** Oh, we already did that?

**Mr. Bas Balkissoon:** He's going to get to it.

**Ms. Soo Wong:** He's going to get to it? Okay.

**The Chair (Mr. Toby Barrett):** If we could defer that, I do wish to go to the next—

**Mr. Randy Hillier:** Chair, I'd like to put a motion in front of the committee.

**The Chair (Mr. Toby Barrett):** As with Ms. Wong, I would like to go to the last item of business.

**Mr. Randy Hillier:** And the last item of business—

**The Chair (Mr. Toby Barrett):** The last item of business: draft committee report pursuant to standing order 111(b).

**The Clerk of the Committee (Mr. Trevor Day):** I'd like to explain. Give me a chance to—

**The Chair (Mr. Toby Barrett):** I would like to ask the Clerk to tell us a bit more. I think we've received some paper on this.

**The Clerk of the Committee (Mr. Trevor Day):** Basically, what we have here is—as I was saying, this committee sets out which ministries are assigned to which policy field committees for the purpose of a 111 study. Generally, what we do is, we just use the last report that was carried, and the only changes that my office will make are based on if there are ministry name changes or responsibility movement within the different ministries.

Before you, you have a draft report. There was a memo sent out with the rationale for the changes. What the committee has to determine now is if it would like to adopt that report as written or if it would like to make any changes to it. That's what you are doing at this point in time.

**The Chair (Mr. Toby Barrett):** Further to this agenda item? Ms. Wong.

**Ms. Soo Wong:** Thank you, Mr. Chair. I move that, pursuant to standing order 111(b), the Ministry of Energy be assigned to the Standing Committee on Justice Policy—and I have a copy of my motion.

**The Chair (Mr. Toby Barrett):** We can distribute that motion.

**Ms. Soo Wong:** Thank you.

*Interjection.*

**The Chair (Mr. Toby Barrett):** I didn't hear you, Clerk.

**The Clerk of the Committee (Mr. Trevor Day):** Does Ms. Wong want to—

**Ms. Soo Wong:** No, it's self-explanatory.

**The Chair (Mr. Toby Barrett):** All right, then. Do any other members of the committee have any comments? Mr. Hillier.

**Mr. Randy Hillier:** I'd like to see that motion. Maybe we could take a 10-minute recess to take a look at what this motion is about so we can understand what the consequences are with it.

**The Chair (Mr. Toby Barrett):** Do we need 10 minutes?

**Mr. Randy Hillier:** Yes, please.

**Ms. Soo Wong:** We need five, not 10.

**The Chair (Mr. Toby Barrett):** As I understand it, we can have a recess just before we vote, after discussion, unless there is agreement that we have the recess now. There is a request for a 10-minute recess. Is there agreement? Are we agreed to a 10-minute recess?

**Mr. Bas Balkissoon:** Do we have to agree? I thought it's not debatable.

**The Clerk of the Committee (Mr. Trevor Day):** Standing Order 129(a) says that before you vote on an item you are entitled to, unequivocally, an up to 20-minute recess. However, after that recess, there is no further debate, there is no discussion. It is strictly a vote.

If the members are ready to vote at this time, then Mr. Hillier is entitled to that up to 20-minute recess. However, there is a question on the floor, so to have another question as to a recess on the floor—it would be the agreement of the committee to allow for another recess.

**Mr. Bas Balkissoon:** We agree.

**Mr. Randy Hillier:** Thank you.

*Interjections.*

**Ms. Laurie Scott:** Do you want to do 20? Does that help you better?

**Mr. Randy Hillier:** I'd like to just take a few minutes to understand what the consequences are here before we get into the discussion.

**The Clerk of the Committee (Mr. Trevor Day):** Did we agree on five or 10?

**Mr. Randy Hillier:** There was agreement from the—

**The Chair (Mr. Toby Barrett):** A five-minute recess: Are we agreed?

**Ms. Soo Wong:** Yes. Thank you.

*The committee recessed from 1315 to 1320.*

**The Chair (Mr. Toby Barrett):** If we could reconvene and return to the business at hand.

Ms. Wong, your motion is on the floor.

**Ms. Soo Wong:** Mr. Chair, I just wanted to remind the committee that the justice committee has been dealing with this particular file, the Ministry of Energy, for a long time, as you know. They have the history, and they continue to do good work on our behalf, and I think it's only appropriate that that particular ministry be moved to the justice committee so that they can continue this work, because at the end of the day, it's going to go right back—if not, it's going to be started again; is that fair for that committee's hard, hard work for weeks and months? I beg to say that that's not appropriate.

I also believe that history, because we have new members—just look at our colleagues on this side. There is a significant number of new members to the Legislature, so it's very appropriate that the Ministry of Energy be moved to the justice committee so that they can continue the good work.

**The Chair (Mr. Toby Barrett):** Any further discussion?



**Mr. Randy Hillier:** Chair, I'd like to move an amendment to that motion in that it would read—where it says “Ministry of Energy,” it would then be “and the Ministry of Economic Development, Employment and Infrastructure be assigned to the Standing Committee on Justice Policy.”

**The Chair (Mr. Toby Barrett):** So we probably should circulate that on a piece of paper.

**Mr. Bas Balkissoon:** Two of them?

**Mr. Randy Hillier:** The Ministry of Economic Development, Employment and Infrastructure.

**The Chair (Mr. Toby Barrett):** Do members want that in writing?

**Mr. Randy Hillier:** Sure.

**The Chair (Mr. Toby Barrett):** We'll take a brief recess.

*The committee recessed from 1322 to 1327.*

**The Chair (Mr. Toby Barrett):** I'll call the meeting back to order. We now have an amendment to the previous motion. Mr. Hillier, first: any comments on your amendment?

**Mr. Randy Hillier:** Chair, I moved the amendment by adding the Ministry of Economic Development, Employment and Infrastructure to the motion. As many members on this committee may know, there is an opposition day motion filed with the House and it will be up for discussion and debate at our next opposition day.

The Standing Committee on General Government has a significant number of ministries assigned to it and substantially fewer ministries are assigned to the justice committee. I think it's important that we have economic development, employment and infrastructure included, and that's due to the recent information that has become available, that has become known, and more of it is yet to be discussed and known about the MaRS project that the government finds itself embroiled in at the present time. Of course, the \$224-million loan that is in default to the government is under the authority of the Minister of Economic Development, Employment and Infrastructure, and it would be wise and thoughtful to include that ministry in with justice.

I'd be happy to have any further questions.

**The Chair (Mr. Toby Barrett):** Any further debate on this amendment to the motion? Mr. Balkissoon.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. I listened carefully to the comments of my colleague across, and I'm at a loss as to where he's trying to go with this, because he's making an assumption that the standing committee on government services cannot do whatever work is necessary on whatever his issue is. The House always has the privilege to redirect something at a point in time when it's debated and agreed upon.

As the Clerk defined earlier, the list that he's given us is the list that existed in the past. All he did was change the ministries that now have different affiliations with the various divisions. Unfortunately, I don't agree with the rationale behind adding the Ministry of Economic Development.

So I'm prepared to support our original motion, and I ask you to take the vote.

**The Chair (Mr. Toby Barrett):** Is there any further debate on this amendment? Mr. Hillier.

**Mr. Randy Hillier:** Yes.

**The Chair (Mr. Toby Barrett):** Sorry—Ms. Scott.

**Ms. Laurie Scott:** I am a new member of the committee. I know when you did the draft report—is there any way I could get a copy of SO 111? Could I take a minute?

**The Clerk of the Committee (Mr. Trevor Day):** Yes. It should be in your package in front of you. There was a memorandum sent out.

**Ms. Laurie Scott:** Okay.

**The Chair (Mr. Toby Barrett):** I think everybody else has a copy of this.

**Mr. Bas Balkissoon:** We all do.

**The Chair (Mr. Toby Barrett):** Further debate? Mr. Hillier.

**Mr. Randy Hillier:** Although the good member across the way doesn't see the value in this or thinks that we ought to make changes later on, I'm always of the view that if there are things that need to be done, instead of making a mistake and then going back and correcting it after, just do the right thing in the first place. I think it is exceptionally important that economic development, employment and infrastructure is also included in justice policy.

As I said, MaRS is a breaking story. There have been questions in the House every day about MaRS. There have been stories in the press every day about MaRS. It's an ongoing subject of significant interest to the public. It will continue to be so. I think the most appropriate place for those discussions about MaRS, as we learn more about the activities there and the loan agreements and the bailout agreements—that we have that place in a structure that is not overburdened or unduly burdened with other House procedures.

The Standing Committee on Justice Policy would be the appropriate place to have the ability to take a look into the actions of the Ministry of Economic Development, Employment and Infrastructure regarding the activities at MaRS and MaRS phase 2.

The other member suggests that this can be accomplished later on, and possibly so. However, he also recognizes that the Liberal members carry a majority of votes on every committee, and whether or not they'll be instructed to allow that to happen at any other committee down the road, I would be very suspicious. I believe it's important that this motion be amended as I've discussed and that we include it with justice policy.

**The Chair (Mr. Toby Barrett):** Further discussion?

**Mr. Bas Balkissoon:** Chair, just to correct the member's misconception of what I said: Every standing committee has the ability to do the work that is defined in standing order 111. So moving one ministry to another one does not, in my opinion, achieve anything at this time. The only reason we made our motion is because there's ongoing activity, and we wanted to respect that



activity and the members who sat on that committee. If general government wishes to do something about MaRS, they're allowed to do it according to standing order 111.

Again, I don't see any basis for my colleague's request. I would say to you, if you wish to put the vote, I cannot support it.

**The Chair (Mr. Toby Barrett):** Is there further debate before we consider a vote?

**Mr. Randy Hillier:** I would like the member to reconsider. I do believe that justice policy is the most appropriate place. It would be a more effective use and give greater openness and transparency, I believe, to the activities of the Ministry of Economic Development, Employment and Infrastructure if they were included in justice policy and allowed those activities to be scrutinized by justice policy.

**The Chair (Mr. Toby Barrett):** We have an amendment before us. Is there any further debate? Are members of the committee ready—

**Mr. Randy Hillier:** I'd like to call for a 20-minute recess, please.

**The Chair (Mr. Toby Barrett):** Okay.

As I was saying, are the members ready to vote, first of all? Yes. We're ready to vote, and we have a call for a 20-minute recess.

**Mr. Randy Hillier:** Thank you.

*The committee recessed from 1336 to 1356.*

**Mr. Vic Dhillon:** Trevor, do you have a sub slip for me?

**The Clerk of the Committee (Mr. Trevor Day):** I do.

*Interjection.*

**The Clerk of the Committee (Mr. Trevor Day):** Ms. McMahon at 2 o'clock.

**Ms. Eleanor McMahon:** Sorry. No one got back to you. My schedule was changed. My apologies—

**The Clerk of the Committee (Mr. Trevor Day):** Hold on. I got a sub slip and no one said anything in the first half hour. He is the member.

*Interjections.*

**The Chair (Mr. Toby Barrett):** Committee members—

*Interjections.*

**The Clerk of the Committee (Mr. Trevor Day):** You're still the member till 2, the voting member.

**The Chair (Mr. Toby Barrett):** We have an amendment to the motion before us moved by Mr. Hillier. Maybe I'll read the amendment: that the motion be amended by adding: "and the Ministry of Economic Development, Employment and Infrastructure" after "Energy".

All those in favour of this amendment?

**Mr. Randy Hillier:** Chair, a recorded vote, please.

**The Chair (Mr. Toby Barrett):** Those in favour of this amendment?

## Ayes

Hillier, Scott.

## Nays

Anderson, Balkissoon, Ballard, McMahon, Wong.

**The Chair (Mr. Toby Barrett):** I declare this amendment lost.

We can now move back to debate on Ms. Wong's original motion. Is there any further debate on the motion? Did you wish me to read that motion? Everybody has it in front of them?

**Interjection:** Yes.

**The Chair (Mr. Toby Barrett):** Any further debate on the motion before we vote?

**Mr. Randy Hillier:** I'd like to move an amendment to the motion. I'd like to amend the motion that's on the floor so that it would read: "and the Ministry of Research and Innovation".

**The Chair (Mr. Toby Barrett):** Would members of the committee like a copy of this second amendment to the motion?

**Mr. Bas Balkissoon:** No, it's pretty straightforward.

**The Chair (Mr. Toby Barrett):** All right, then. We would entertain a debate on this second amendment to the motion.

**Ms. Soo Wong:** He's amending my motion to add—

**The Chair (Mr. Toby Barrett):** Yes.

**Ms. Soo Wong:** No.

**The Chair (Mr. Toby Barrett):** The second amendment.

Mr. Hillier, did you have any comments to make on your second amendment?

**Mr. Randy Hillier:** Yes. Once again, this centres around the MaRS scandal that is emerging and becoming more well known, but there is still much that is not understood about it. We know that the Ministry of Research and Innovation is funding the interest payments on the \$234-million loan to MaRS phase 2 by the Ministry of Infrastructure or Infrastructure Ontario. Although that loan is out there, it is in default from MaRS 2. The Ministry of Research and Innovation is paying the financing costs, the interest costs, on that loan.

We understood last week, through a release from the ministry, that approximately half a million dollars per month is being paid out by the Ministry of Research and Innovation to carry this defaulted mortgage. We understand from the minister that he has capped that at \$7.1 million for this year, but it's important that these details, what's going on at MaRS and just the extent of the risk that the taxpayers of Ontario are facing, are understood.

I believe justice policy is the most appropriate place to have the emerging MaRS scandal, before the justice committee so that it can be thoughtfully examined, analyzed and evaluated in that indeed the people of Ontario are treated in a very open and transparent fashion and understand all of what has happened at research and innovation



regarding the MaRS scandal. If there are further liabilities that the taxpayer is on the hook for through the Ministry of Research and Innovation—and I believe, once again, that justice policy is the best place for research and innovation.

**The Chair (Mr. Toby Barrett):** Further debate on the second amendment to this motion? Mr. Balkissoon.

**Mr. Bas Balkissoon:** I listened to my good friend across the way very carefully, and I'll just remind him what the standing orders read. It says that standing order 111(a) grants the Standing Committee on General Government, the Standing Committee on Justice Policy and the Standing Committee on Social Policy the ability to study "matters relating to the mandate, management, organization or operation" of certain ministries assigned to them.

My good friend does not realize that every standing committee that is mentioned here has equal power. His motion to move one ministry to another committee to another one—I just don't understand his rationale. Maybe there's something I don't understand, but I would actually call the vote. We're prepared to vote because I can't support him.

**The Chair (Mr. Toby Barrett):** Further debate?

**Mr. Randy Hillier:** I might remind the member that this is an amendment to a motion put forward by the governing party to move a ministry. How he can speak that it's inappropriate for an amendment to move a ministry when the amendment is to their own motion to move a ministry—so if it's good for the goose, it is indeed good for the gander. It is your member—a government member—who tabled the original motion to move a ministry. To think that it is inappropriate for the opposition to do the same thing is not logical and not reasonable.

Again, Chair, I would say that the Ministry of Research and Innovation and this emerging scandal on MaRS phase 2 is best and most appropriately put over to justice policy in that they are best suited to inquire, examine, analyze and evaluate the Ministry of Research and Innovation to find out just what level of risk the taxpayers are subject to or liable for out of the actions of the Ministry of Research and Innovation—with them carrying the interest costs of approximately \$500,000 per month, each and every month, which we just became aware of last week.

**The Chair (Mr. Toby Barrett):** Any further debate? Yes, Ms. Scott?

**Ms. Laurie Scott:** What we have here—and I'm just a new member of the committee—as Mr. Balkissoon has said, is that they have moved a motion, which was done by Ms. Wong, that any committee can look at any ministry at any time. That's exactly what Mr. Hillier is asking for by adding research and innovation to the original amendment. We're not breaking any rules, or else we'd be, I think, ruled out of order by the Clerk. We kind of keep in touch to see—it can be complicated at times, but we did have an election on openness and transparency. MaRS was brewing during that election

time. The rules were changed; the government changed the rules. Before the election, I'm not sure who was minister at that point, but they changed the regulations so that MaRS could have a loan. Maybe we should have seen that. It's pretty hard to see where all the regulations are. It was new to the committee when they met before the House resumed. So information is still coming forward, and we in opposition and you as a government, too, have a responsibility to have openness and transparency with the taxpayers and where their money is being spent.

We have a lot of concern, and I think rightly so. This is only a small stack of newspaper articles that have been written just in the last couple of weeks on MaRS, going to the fact of the \$224-million loan default for MaRS phase 2, which adds to—let me see—interest on the loan costing taxpayers \$450,000 a month, which is a big thing, and the bailout of the U.S.-based developer, Alexandria Real Estate.

People have a lot of questions. We feel research and innovation are involved financially paying the interest on that. It's appropriate that these questions be asked. It is our right as legislators to say what committee we feel this would be scrutinized the most under. So I don't think what we're asking for today is unreasonable. I think we owe it to everyone in the province to find out the best information we can on their behalf.

Certainly we in opposition, and not to not allow him to speak—but both the official opposition, being us, Progressive Conservatives, and the NDP, the third party, have been asking questions in the Legislature from day one, when we got back, about MaRS. So to say that this is not an appropriate thing to be moved over—research and innovation to be added to this amendment—is not right. I think you should have some more debate and engage with us on this amendment that is brought forward.

I have a lot of questions from my constituents at home saying, "We don't have enough money for our health care services. How is the money being spent by the government?" And when you see waste—gas plant scandals at over \$1 billion, you have eHealth, you have Ornge, and now MaRS is blooming—there is a lot of information to be found out. We want to call a lot of people to appear before the Standing Committee on Justice Policy. I think due diligence—you should all agree with us that that would be the appropriate thing to do. I think it would do yourselves credit if you were seen by the public to be examining in more depth into MaRS and to try and justify the insane bailout that you have done, in my opinion. But we are allowing democracy to go forward and want to call for witnesses, and we feel it's most appropriate at the justice policy committee.

**Mr. Bas Balkissoon:** Chair?

**The Chair (Mr. Toby Barrett):** Yes, Mr. Balkissoon?

**Mr. Bas Balkissoon:** Out of sheer respect that my colleague Laurie Scott has just spoken for the first time, I will just go back to what my colleague said at the



beginning. We are only moving the motion that we moved because in the previous session of Parliament, the House made a decision to send the Ministry of Energy issue to justice policy. It was the House that made that decision. The list was exactly the same that was in front of it.

In order to allow that committee to finish its work, out of due respect to all the members who spent a lot of time on that work, we're making this motion to allow the committee to finish its work. If there is new work, any committee can do that exact work.

That's the only reason we moved our motion. Otherwise, we would have left the list intact.

**The Chair (Mr. Toby Barrett):** Thank you. Further debate on this amendment number 2? Mr. Hillier?

**Mr. Randy Hillier:** Just to follow up on what the member was talking about—and I guess I should add I'm a little bit surprised that the third party has been silent in these discussions. Hopefully we can get the third party engaged in this discussion as well.

1410

But I would say that the members talked about the committee in the 40th Parliament, the one previous. Of course, we all know that there were items left that that committee had agreed upon and agreed to: That was the calling of certain witnesses, who had actually also agreed to appear in front of that committee. That agreement has never been satisfied—never been fulfilled.

Actually, I think many people might view that without those witnesses appearing before that committee, it would be prejudicial to their ability to do the work that they started in the 40th Parliament. We've not seen any indication, discussion or debate from the government on whether or not they would actually ensure that the desires of that committee were indeed completed.

But I would also like to add, going back to the amendment to the motion: This is about the Ministry of Research and Innovation. It's about the financial actions and activities of the Ministry of Research and Innovation. Why have they committed to paying the carrying costs, the interest costs—and not insubstantial interest costs—of approximately half a million dollars per month?

I guess I might say to the member, Mr. Balkissoon, if he remembers, in the 40th Parliament, in this same Legislative Assembly committee, we had a discussion about regulations—a motion that had been approved, voted on and adopted by the private bills and regulations committee—that got stalled in the committee in the last Parliament.

Where I'll take this back to is, we heard very clearly in the estimates committee that the Minister of Economic Development, Employment and Infrastructure had purposely altered the regulations in 2010 that allowed Infrastructure Ontario, at the time, to provide a mortgage to MaRS phase 2.

Now, I'll take you back to the motion that was in front of the assembly last session. This is the motion that was approved by the private bills and regulations committee: "That the Standing Committee on Regulations and

Private Bills recommend to the Standing Committee on the Legislative Assembly that the standing orders of the House be amended such that any member is permitted during Introduction of Bills to table a motion requesting a review and debate upon the merits of any regulation filed with the registrar of regulations."

Had that actually been undertaken and completed by the Legislative Assembly committee last session, it would have prevented many of these things from going on and happening that end up being—

**The Chair (Mr. Toby Barrett):** Mr. Hillier, just a comment: Speak to the motion.

**Mr. Randy Hillier:** Yes. Anyway, Chair, I think it's very clear and evident that the research and innovation ministry does belong with justice policy, so I'll put it forward for further discussion.

**The Chair (Mr. Toby Barrett):** Any further debate? We are debating amendment number 2 to the motion. Any further debate? Are the members ready to vote?

**Mr. Randy Hillier:** Chair?

**The Chair (Mr. Toby Barrett):** Mr. Hillier?

**Mr. Randy Hillier:** I'd call for a 20-minute recess, please.

**The Chair (Mr. Toby Barrett):** If members are ready to vote, we will have a 20-minute recess. Before I bang the gavel—I just want to make a brief statement once we're off Hansard.

*The committee recessed from 1415 to 1435.*

**The Chair (Mr. Toby Barrett):** Amendment number 2 has been made, and we will now vote on amendment number 2.

**Mr. Randy Hillier:** Chair, recorded vote, please.

**The Chair (Mr. Toby Barrett):** A recorded vote. Amendment number 2 has been moved by Mr. Hillier.

#### Ayes

Hillier, Scott.

#### Nays

Anderson, Balkissoon, Ballard, Dhillon, Wong.

**The Chair (Mr. Toby Barrett):** I declare the amendment lost.

We would now go back to the original motion. I can read it out again quickly, if you wish, a motion from Ms. Wong: "I move that, pursuant to standing order 111(b), the Ministry of Energy be assigned to the Standing Committee on Justice Policy."

Further debate on that motion? Mr. Hillier.

**Mr. Randy Hillier:** I'd like to move an amendment to that motion.

**The Chair (Mr. Toby Barrett):** Okay, an amendment to this motion?

**Mr. Randy Hillier:** That the motion be amended by adding "and the Ministry of Aboriginal Affairs" after "Energy."



**The Chair (Mr. Toby Barrett):** Does anyone need a copy of that?

**Mr. Randy Hillier:** Sure, yes.

**The Chair (Mr. Toby Barrett):** You would like a copy of that?

**Mr. Randy Hillier:** Yes.

**Mr. Bas Balkissoon:** No, it's pretty straightforward.

**Mr. Randy Hillier:** I'd like a copy.

**The Chair (Mr. Toby Barrett):** Mr. Hillier has requested a copy. Does anyone else wish for a copy?

*Interjections.*

**The Chair (Mr. Toby Barrett):** Let's take a short recess.

*The committee recessed from 1436 to 1440.*

**The Chair (Mr. Toby Barrett):** Mr. Hillier has moved that the motion be amended by adding "and the Ministry of Aboriginal Affairs" after "Energy". Any debate—or a comment on your motion, Mr. Hillier?

**Mr. Randy Hillier:** Yes. Chair, we know that on Thursday this week, there will be a private member's motion moved by the member for Kingston and the Islands regarding and requesting an inquiry into the missing and murdered women of aboriginal background. Once again, I think that aboriginal affairs is best suited to

justice policy, and I look forward to this government being open and transparent, supporting that private member's motion on Thursday and allowing the justice policy committee to further enact and implement the motion of the member from Kingston and the Islands, should it be successful on Thursday. I believe justice policy is the best place for aboriginal affairs.

**The Chair (Mr. Toby Barrett):** Any further debate? I see debate has concluded. Are members ready to vote on this amendment to the motion?

**Mr. Randy Hillier:** Chair, I'd like to call for a 20-minute recess, please.

*Interjection.*

**The Chair (Mr. Toby Barrett):** The Clerk has advised me that, from the time, we do not have 20 minutes left for a full recess, so when I bang the gavel, we go in recess, but that does adjourn this committee. This will be the first order of business, if and when this committee reconvenes.

**The Clerk of the Committee (Mr. Trevor Day):** It will, next week.

**The Chair (Mr. Toby Barrett):** Okay. It does convene next week for sure.

*The committee adjourned at 1442.*











## CONTENTS

Wednesday 22 October 2014

Election of Chair.....	M-1
Election of Vice-Chair.....	M-1
Appointment of subcommittee .....	M-1
Committee business.....	M-1

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

#### **Also taking part / Autres participants et participantes**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Heather Webb, research officer,  
Research Services





M-2

M-2

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 29 October 2014

# Journal des débats (Hansard)

Mercredi 29 octobre 2014

## Standing Committee on the Legislative Assembly

Assignment of ministries

## Comité permanent de l'Assemblée législative

Désignation des ministères  
aux comités



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day



### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 29 October 2014

Mercredi 29 octobre 2014

*The committee met at 1302 in committee room 1.*

## ASSIGNMENT OF MINISTRIES

**The Chair (Mr. Toby Barrett):** Good afternoon, everyone, to the regular meeting of the Standing Committee on the Legislative Assembly. Our first order of business: the draft committee report, pursuant to standing order 111(b). As I recall, at the time of adjournment, we were about to vote on an amendment to the motion by Ms. Wong. That amendment, what I have in front of me, is marked number 3, where Mr. Hillier moved—I can read it out again quickly: That the motion be amended by adding: “and the Ministry of Aboriginal Affairs” after “Energy”.

The committee would be ready to vote?

**Mr. Bas Balkissoon:** Ready.

**The Chair (Mr. Toby Barrett):** All in favour? Those opposed? I declare this amendment lost.

At this point, we now will return to the original motion put forward by Ms. Wong. Ms. Wong, do you want to read your motion again or do you want me to read it?

**Ms. Soo Wong:** You want me to read it? Okay. I move that, pursuant to standing order 111(b), the Ministry of Energy be assigned to the Standing Committee on Justice Policy.

**The Chair (Mr. Toby Barrett):** Any debate, discussion from members of the committee? Seeing none, are the members ready to vote?

**Mr. Bas Balkissoon:** Ready.

**The Chair (Mr. Toby Barrett):** No calls for a recess, nothing like that? I'm a little gun-shy now.

**Mr. Randy Hillier:** It's been well-considered.

**The Chair (Mr. Toby Barrett):** Shall the motion carry? I declare that motion carried.

Shall the report itself, the draft committee report, as amended, carry? Carried.

I will report this to the Committee of the Whole this afternoon.

There is no further business before us. Committee is adjourned.

*The committee adjourned at 1306.*



## CONTENTS

Wednesday 29 October 2014

Assignment of ministries .....	M-9
--------------------------------	-----

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Heather Webb, research officer,  
Research Services



H20N  
XC  
-L20

Government  
Publications



M-3

M-3

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 3 December 2014

# Journal des débats (Hansard)

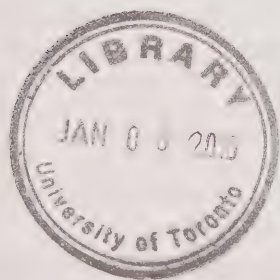
Mercredi 3 décembre 2014

## Standing Committee on the Legislative Assembly

Subcommittee report

## Comité permanent de l'Assemblée législative

Rapport du sous-comité



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 3 December 2014

Mercredi 3 décembre 2014

*The committee met at 1306 in committee room 1.*

## SUBCOMMITTEE REPORT

**The Vice-Chair (Mr. Garfield Dunlop):** I call the meeting to order, everybody. I welcome everyone to the Standing Committee on the Legislative Assembly. We're here today to discuss Bill 27, An Act to require a provincial framework and action plan concerning vector-borne and zoonotic diseases.

I understand that University of Western Ontario students are here to see the committee in action. Welcome, and I hope you enjoy the proceedings this afternoon.

The first item on the agenda is the report of the subcommittee on committee business. Ms. Scott.

**Ms. Laurie Scott:** Thank you. I would like to read the report of the subcommittee from Monday, December 1, 2014.

Your subcommittee on committee business met on Monday, December 1, 2014, to consider a method of proceeding on Bill 27, An Act to require a provincial framework and action plan concerning vector-borne and zoonotic diseases, and recommends the following:

(1) That the following individuals be invited to make a presentation of up to 25 minutes, followed by five minutes of questions from each party, at the committee's regular scheduled meeting on Wednesday, December 10:

- (a) Ontario's Chief Medical Officer of Health;
- (b) The head of Public Health Ontario; and
- (c) The head of public health Canada.

(2) That the Chair request of the House leaders a motion authorizing the committee to sit for one day at the call of the Chair during the winter adjournment for the purpose of conducting public meetings.

(3) That the Minister of Health and Long-Term Care be invited to make a presentation of up to 25 minutes, followed by five minutes of questions from each party, at the committee's regular scheduled meeting on Wednesday, February 18, 2015.

(4) That the Clerk of the Committee, with the authorization of the Chair, post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website, Canada NewsWire, and Turtle Island News.

(5) That interested parties who wish to be considered to make an oral presentation contact the committee Clerk,

and that witnesses be scheduled on a first-come, first-served basis.

(6) That the research officer provide background material on Bill 27 by Monday, December 8, 2014.

(7) That the research officer provide an interim summary of the presentations from the first day of public hearings by Friday, February 13, 2015.

(8) That the Clerk of the Committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

**The Vice-Chair (Mr. Garfield Dunlop):** That's the report?

**Ms. Laurie Scott:** That's it. That's the report from the subcommittee.

**The Vice-Chair (Mr. Garfield Dunlop):** Are there any questions on the report from anyone here? No questions?

**Mr. Chris Ballard:** Well, any questions, or are we into debate now?

**The Vice-Chair (Mr. Garfield Dunlop):** Yes, questions on the—

**Ms. Laurie Scott:** Any questions on the report.

**Mr. Chris Ballard:** Of the report itself?

**The Vice-Chair (Mr. Garfield Dunlop):** —subcommittee's report. Yes.

**Mr. Chris Ballard:** No, no questions on the report.

**The Vice-Chair (Mr. Garfield Dunlop):** Any debate on it?

**Mr. Chris Ballard:** Yes, I've got some comments that I pulled together. As I think you know, Bill 27 received unanimous support of the House during second reading, and I can say that we support the bill. The Ministry of Health is already doing many of the things that the bill calls for. Ontario has policies and programs in place for the surveillance, prevention and control of zoonotic and vector-borne disease, including a promotion of public awareness of the diseases and emergency preparedness.

However, we're not comfortable with proceeding with the proposed schedule in respect to Bill 27. I've got a couple of reasons. I think one of the key ones is that we're giving less than a week's notice to some very important officials to appear before the committee at a very busy time of year for everyone. We're asking them to prepare presentations of up to 25 minutes, and I just think it's an unfair ask at this time of year with that

amount of time. These individuals, I think, should continue to focus their fullest attention at this time dealing with deadly diseases, like Ebola—which is top of their mind right now, ensuring that we continue to put measures in place to prevent it from spreading in our province and in our country. Frankly, I think the last thing we need to do in a very busy season, with only one week's notice, is for them to take time off of that to prepare to appear before this committee. I know it's a voluntary request, that we can't force them to be here. We can invite them to appear, but I think they would be hard-pressed to say no. I just don't think it's fair at this time for us to put that on it.

With that said, I think there are going to be a number of opportunities to consider this bill and other bills in the spring. We have MPP Potts's Bill 12, Protecting Employees' Tips Act. That's before this committee. I think that that's another bill that we can deal with at that time. At this time, I would move that we postpone consideration of the matter.

*Interjection.*

**The Vice-Chair (Mr. Garfield Dunlop):** Go ahead.

**The Clerk of the Committee (Mr. Trevor Day):** What Mr. Ballard has moved is considered a dilatory motion. It's a motion that can be moved when there's another motion on the floor. There are no conditions to it, so, with this pure postponed consideration, it means that we would vote on whether we're going to postpone this and move to the next item on our agenda. At this point there is nothing else on our agenda, but it would stop us from dealing with this particular item at this time.

It's a vote without debate on whether or not we're going to postpone. Depending on the outcome of that vote, we're either back to this or we have nothing else on our agenda.

**The Vice-Chair (Mr. Garfield Dunlop):** Just a clarification: There's no debate on this right now?

**The Clerk of the Committee (Mr. Trevor Day):** There's no debate on this. It's a dilatory motion. It can be moved while there's another motion on the floor, the first motion being the subcommittee report and the second motion being that we defer consideration of this. It's going to be a straight vote on whether or not to continue or to move on.

**The Vice-Chair (Mr. Garfield Dunlop):** Okay, then. Is everybody clear on that?

**Ms. Laurie Scott:** I'll do a recorded vote, then.

**The Vice-Chair (Mr. Garfield Dunlop):** Recorded vote. I'm going to call the vote now. All those in favour of the amendment by Mr. Ballard—

**The Clerk of the Committee (Mr. Trevor Day):** The motion to defer.

**The Vice-Chair (Mr. Garfield Dunlop):** Yes, the motion to defer by Mr. Ballard.

#### Ayes

Anderson, Ballard, Lalonde, McGarry, McMahon.

#### Nays

Barrett, Scott, Singh.

**The Vice-Chair (Mr. Garfield Dunlop):** Okay, then. I declare that Mr. Ballard's deferment motion is carried, which postpones everything else right now.

There's nothing else on the agenda. The meeting is adjourned. Thank you very much.

*The committee adjourned at 1313.*











# CONTENTS

Wednesday 3 December 2014

Subcommittee report .....	M-11
---------------------------	------

## STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

### **Substitutions / Membres remplaçants**

Mrs. Marie-France Lalonde (Ottawa–Orléans L)

Mrs. Kathryn McGarry (Cambridge L)

### **Clerk / Greffier**

Mr. Trevor Day

### **Staff / Personnel**

Ms. Heather Webb, research officer,  
Research Services



ALON  
XCZO  
-LZO



M-4

M-4

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 10 December 2014

# Journal des débats (Hansard)

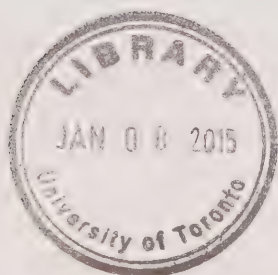
Mercredi 10 décembre 2014

## Standing Committee on the Legislative Assembly

Subcommittee report

## Comité permanent de l'Assemblée législative

Rapport du sous-comité



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 10 December 2014

Mercredi 10 décembre 2014

*The committee met at 1304 in committee room 1.*

## SUBCOMMITTEE REPORT

**The Chair (Mr. Toby Barrett):** Welcome, everyone, to the regular meeting of the Standing Committee on the Legislative Assembly.

Our order of business: First, Bill 27, An Act to require a provincial framework and action plan concerning vector-borne and zoonotic diseases.

*Interjection.*

**The Chair (Mr. Toby Barrett):** Yes, this is my private member's bill. So, with the permission of the committee, I'd like to step down as Chair.

**Mr. Bas Balkissoon:** No problem. Agreed.

**The Chair (Mr. Toby Barrett):** I would like to ask Ms. Scott—hand the gavel over.

**The Acting Chair (Ms. Laurie Scott):** Okay, so everyone has a copy of the subcommittee report? We're continuing debate on the subcommittee report. I believe Toby—

**Mr. Toby Barrett:** I know we did stand down the presentations that the subcommittee had asked for today. I think my only suggestion, as we look at the subcommittee report—that has obviously changed the subcommittee report. That section would be deleted. I guess I would request that we have the experts come in in the new year. We do have one day of hearings scheduled.

**The Acting Chair (Ms. Laurie Scott):** Toby, you're asking for an amendment from the December 10 date that's in here to another day?

**Mr. Toby Barrett:** Yes, I would ask for a second day, not of hearings but for the previously agreed expert testimony.

**The Acting Chair (Ms. Laurie Scott):** Do you have a date in mind, Mr. Barrett?

**Mr. Toby Barrett:** Yes, we should have a date. I do know that the regularly scheduled hearings were Wednesday, February 18, 2015. That's the week before we return. Would it be most convenient to have them back to back, with some of us coming into the city?

**Mr. Chris Ballard:** If I might, Madam Chair—

**The Acting Chair (Ms. Laurie Scott):** Just a sec. We're getting dates first.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Barrett, right now what we're looking at is, the commit-

tee's next regularly scheduled meeting is Wednesday, February 18. Would you like them invited on that date or the week following? Under the subcommittee report, the Ministry of Health and Long-Term Care would be invited on that day.

**Mr. Toby Barrett:** Oh, I'm sorry; I misread. We talked about public hearings February 13. Is that correct?

**The Acting Chair (Ms. Laurie Scott):** No.

**The Clerk of the Committee (Mr. Trevor Day):** There was—

**Mr. Toby Barrett:** No, I'm sorry; I misread.

**The Clerk of the Committee (Mr. Trevor Day):** The request to the House leaders is one day, so that date is yet to be determined.

**Mr. Toby Barrett:** Oh, we didn't pick a date.

**The Clerk of the Committee (Mr. Trevor Day):** No.

**Mr. Toby Barrett:** Oh, so it's open. Further to that, we know the finance committee will be holding hearings.

**The Clerk of the Committee (Mr. Trevor Day):** That's correct. I guess my question—

**Mr. Toby Barrett:** I don't know about other hearings. I don't think we want to conflict with any other committee.

**The Clerk of the Committee (Mr. Trevor Day):** With number 1, did you want to change the date from Wednesday, December 10, which is today, to another date, a date to be determined? I'm just looking for guidance on your amendment.

**Mr. Toby Barrett:** Yes, I request that we move the expert testimony of Wednesday, December 10, to a day—

**The Clerk of the Committee (Mr. Trevor Day):** During the adjournment?

**Mr. Toby Barrett:** —in February.

**The Clerk of the Committee (Mr. Trevor Day):** Okay. So when the House returns, or before the House returns?

**Mr. Toby Barrett:** Before the House returns.

**The Clerk of the Committee (Mr. Trevor Day):** So that would be a date during the winter adjournment. Is that correct?

**Mr. Toby Barrett:** That's what I'm proposing, just simply because we were thinking of one day of public hearings before the House returned, as I recall.

**The Clerk of the Committee (Mr. Trevor Day):** That's correct. So would this be an additional day?

**Mr. Toby Barrett:** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** Okay, so we'd need to change this in two spots. One would be instead of "at the committee's regular scheduled meeting on Wednesday, December 10"—that would be struck out and replaced with "at a date during the winter adjournment."

**Mr. Bas Balkissoon:** Do we need the House leaders' agreement to meet during the break?

**The Clerk of the Committee (Mr. Trevor Day):** Yes.

**The Acting Chair (Ms. Laurie Scott):** Yes.

**Mr. Bas Balkissoon:** We haven't got much time to do that.

**The Acting Chair (Ms. Laurie Scott):** Well, we've got a day and a half.

**The Clerk of the Committee (Mr. Trevor Day):** That would be the first part of the amendment, to strike out "at the committee's regular scheduled meeting on Wednesday, December 10, 2014" and replace it with "at a date during the winter adjournment."

The second part would be "the request to the House leaders" and this would be point 2. The "1" would be struck out and it would be replaced with the number 2. Does that capture your amendment?

**Mr. Toby Barrett:** I think so.

**Mr. Bas Balkissoon:** Chair, can I ask a question?

**The Acting Chair (Ms. Laurie Scott):** Okay, just a sec. Are we done with the amendment, before we can have discussion? Is that okay? Toby, are you good? Two days, as described by the Clerk?

**Mr. Toby Barrett:** Yes, that's what I wish to move, for discussion.

**The Acting Chair (Ms. Laurie Scott):** During the winter adjournment, dates to be determined: That's the amendment being put forward again.

**Mr. Bas Balkissoon:** I understand Mr. Barrett's request—

**The Acting Chair (Ms. Laurie Scott):** Mr. Balkissoon, yes.

**Mr. Bas Balkissoon:** —for the committee to deal with his private member's bill, but I'm just wondering how—it looks as though we're trying to get a rush schedule, and I really don't have a feel as to why and what is the big reasoning behind it.

The other thing is, I know there is other legislation referred to this committee. Rather than modify this subcommittee report, which to me is problematic because we're trying to fix dates for certain people to be here, and there are some other parts of this subcommittee report that bother me, I'm wondering if it's not more appropriate, since we have, I believe, three or four bills referred to this committee, that we refer this back to the subcommittee, consider all three bills, what is necessary for this committee to do its work, and come back with a comprehensive schedule to deal with all the legislation that's referred here, based on how they were referred, and being fair to all members who have had their bills referred here. Because I believe there are a lot more private members' bills referred here.

1310

I throw that out in the willingness to work with my colleagues on the other side, but also in being fair to all the other people.

**The Acting Chair (Ms. Laurie Scott):** There was a subcommittee. I'm in the chair now, but I was on that, and Ms. Wong, and that's where this came from.

**Mr. Bas Balkissoon:** Well, I wouldn't mind hearing from Mr. Barrett, because I think it's fair to all the bills that are here. If we have a comprehensive schedule of all the bills that are referred to us, we're not going to keep getting people bringing stuff and interrupting our schedule of getting business done. I want to see business done and done fairly based on how it was referred here. We have a full schedule, because we know we're coming back from February to June.

**Mr. Toby Barrett:** So you want to set a schedule for all three pieces of legislation.

**Mr. Bas Balkissoon:** Absolutely. I think that's the best thing to do, and let the Clerk work during the break to get all the logistics to help us out to get what we want. The first meeting we come back in February, the subcommittee meets and sets out a schedule, it comes to the committee, and we adopt it, because we all have a common understanding.

**Mr. Toby Barrett:** This would be a rolling schedule? I know we did set a schedule here, and then another piece of legislation was referred to this committee, so—

**Mr. Bas Balkissoon:** I think there's more than one.

**Mr. Toby Barrett:** Well, there was one referred to before—

**Mr. Bas Balkissoon:** Prior to.

**Mr. Toby Barrett:** —prior. But after we had this meeting, a piece of legislation was referred to this committee—

**Mr. Bas Balkissoon:** Let's deal with all of them.

*Interjections.*

**Mr. Toby Barrett:** No, I'm just saying, do we keep it open? I don't know when we have the subcommittee meeting, but, in the new year, if another piece of legislation gets added, we automatically add that in, too?

**Mr. Bas Balkissoon:** Yes, and what we do is, like I'm saying, set a complete schedule of the committee to deal with all three, so we know what our business is for the first couple of months of the new year.

**The Acting Chair (Ms. Laurie Scott):** Just for the committee's information, there is Bill 12, Protecting Employees' Tips Act, 2014; Bill 27, the Provincial Framework and Action Plan concerning Vector-Borne and Zoonotic Diseases Act, which we're discussing; and Bill 42, the Municipal Amendment Act (Election of Chair of York Region). Those are the three bills that are referred to this committee.

**Mr. Bas Balkissoon:** So rather than play with this by itself, let the subcommittee give us a comprehensive report back. That's my suggestion.

**Mr. Toby Barrett:** When would the next subcommittee meeting be?



**Mr. Bas Balkissoon:** It would be the call of the Chair or the first meeting we have in February.

**The Acting Chair (Ms. Laurie Scott):** I already tried once this week to have a subcommittee meeting.

**Mr. Toby Barrett:** So the tip-out bill—would that be clause-by-clause? We've already had hearings. Or do we have to have hearings?

**Mr. Bas Balkissoon:** Whatever is left to be done, schedule it.

**Mr. Toby Barrett:** I was just hoping we could work out some of it while we're meeting, rather than waiting until—

**Mr. Bas Balkissoon:** The tip-out bill, because we've heard it before, will go pretty quick.

**The Acting Chair (Ms. Laurie Scott):** We're dealing with Mr. Barrett's amendment. Is there any more discussion on the amendment? He has asked for two dates during the winter adjournment, to be determined.

Mr. Ballard.

**Mr. Chris Ballard:** I would just reiterate what Bas has said: that we have a rolling schedule—and I'm not sure how this has been done here before—where we get the three bills lined up, ready to go, and then as new bills come in, they can be added; they can be fourth, fifth, sixth. So we keep a rolling schedule of what's happening.

I said last week, and I'll say it again, that there was unanimous support when this came to the House. Personally, I don't have any problems with these three officials being called. I'd be interested in what they have to say, because I think—especially Lyme disease; this is a big concern to all of us. But I just want to make sure that we're treating all the private members' bills that come in in an equitable way and we've got a schedule so we know how we can roll these out.

**Mr. Bas Balkissoon:** Chair?

**The Acting Chair (Ms. Laurie Scott):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** The other reason I would say it's important to me to refer this back to the subcommittee: Clause 3 in the subcommittee report—in all the years I've been here, I think it's a little bit awkward, because to call a minister before a committee, the minister who will be eventually dealing with the legislation or whatever the House decides at the very front end, and we have the opportunity to question him and put him in an awkward position—I've never seen that done before. I think if we have an issue on a topic, we listen to the public who has a concern about that topic; we listen to experts in the field—and I don't have a problem with the experts in the field—and stakeholders out there.

But I think the subcommittee might want to rethink the minister being here. The minister is the Minister of Health and Long-Term Care. He is not an expert. He's just there to do the ministry's duties for cabinet; whatever. I know ministers come before estimates; they come before public accounts. But I just don't see it as being right.

**The Acting Chair (Ms. Laurie Scott):** I'm just going by the Clerk that it has been done before, that the minister has been brought in before for technical briefing.

**Mr. Bas Balkissoon:** Yes, but it all depends on what the bill is. This is a private member's bill, and we're seeking public input to give a request of the government to do something. I think to bring the minister in at the front end—to me, it doesn't seem right.

**The Acting Chair (Ms. Laurie Scott):** Just a sec. Mr. Barrett would like to comment.

**Mr. Toby Barrett:** Certainly this was discussed in the subcommittee. It was not to bring him in at the front end. He was to come in on the third day—that would be Wednesday, February 18—and to be invited. But as we discussed, as I recall, as a courtesy at his discretion—in contrast, we are all very fortunate that we have Eric Hoskins as our Minister of Health. He's not only the Minister of Health. He's elected. He's a physician, as we know. He is also trained in public health and tropical diseases. He is eminently qualified.

**Mr. Bas Balkissoon:** I don't disagree with you, but I'd like to clarify why I feel that way.

**Mr. Toby Barrett:** Sure.

**Mr. Bas Balkissoon:** He has ministerial duties and he has his professional skills. I think if you try to bring that in and blend it at the front end of a bill, it puts everything in a bit of an awkward position, to my mind.

*Interjection.*

**The Acting Chair (Ms. Laurie Scott):** Just as the Clerk is training me here, you have to speak to the amendment, so I'd just ask that everybody speak to the amendment instead of getting too engaged in the full subcommittee report.

**Mr. Toby Barrett:** So we thought: It's his discretion as a courtesy. Many of us have talked to him about this. He has worked in the tropics and has a personal interest. But yes, he's an elected guy, just like us, as you're saying.

**Mr. Bas Balkissoon:** But the thing is, if you say it's a courtesy, when the bill gets advertised by the committee and the committee puts it out there that it's willing to listen to deputants, the minister always has that privilege.

**The Acting Chair (Ms. Laurie Scott):** Okay, guys. Can I use this? You have to speak to the amendment, which is the dates that have been brought forward by Mr. Barrett.

**Mr. Bas Balkissoon:** I thought I was trying to encourage you not to move the amendment.

**The Acting Chair (Ms. Laurie Scott):** I know. You were having a great discussion. I was letting it go there for a bit, but you really have to speak to just the amendment at this time.

**Mr. Bas Balkissoon:** Then I'll be voting against this amendment.

**The Acting Chair (Ms. Laurie Scott):** Further debate on the amendment? Mr. Barrett.

**Mr. Toby Barrett:** The only other reason the committee decided on having public hearings on Lyme and Ebola and these other diseases during the winter

adjournment—this committee is unique. It only sits from 1 till 2, and it was felt—

**The Acting Chair (Ms. Laurie Scott):** From 1 to 3.

**Mr. Toby Barrett:** Or 1 to 3.

**The Acting Chair (Ms. Laurie Scott):** Two hours.

**Mr. Toby Barrett:** Have we ever made it to 3?

**The Acting Chair (Ms. Laurie Scott):** Not this far.

**Mr. Toby Barrett:** It was felt that it wouldn't be enough time, again, in the interest of citizen participation, to advertise and to only allow two hours for hearings. That was the other reason that was in there.

**The Acting Chair (Ms. Laurie Scott):** Okay. Ms. Wong?

**Ms. Soo Wong:** Thank you, Madam Chair. I think I'm hearing lots of discussion about the subcommittee report before us. Given that there is still contention about the date, how many witnesses and how many days for hearings, maybe we need to go back and refer the entire item to the subcommittee and make them be responsible.

I know tomorrow is the last day. I'm going to leave it to the Clerk to give us some advisement here because I certainly will be busy with holiday stuff. In the history of the House, has the subcommittee met when the House is not sitting?

**The Clerk of the Committee (Mr. Trevor Day):** Yes.

**Ms. Soo Wong:** Okay. I don't know if anybody will move a motion that this whole item be referred to the subcommittee—additional stuff.

**The Acting Chair (Ms. Laurie Scott):** Do we have to deal with the amendment first?

1320

**The Clerk of the Committee (Mr. Trevor Day):** We've got two questions on the floor right now.

**The Acting Chair (Ms. Laurie Scott):** So that was an acceptable question? Okay. Amendments for Mr. Barrett and for—

**The Clerk of the Committee (Mr. Trevor Day):** No. The subcommittee report is the first question. The amendment is the second question. There's no more room for another question right now, so we have to deal with them in reverse order.

**Mr. Bas Balkissoon:** So we're voting on the amendment?

**The Clerk of the Committee (Mr. Trevor Day):** If the committee is ready.

**Mr. Bas Balkissoon:** Okay.

**Mr. Toby Barrett:** Could I ask the Clerk to read my amendment? I don't have any written down here.

**The Acting Chair (Ms. Laurie Scott):** We're ready to vote on the amendment that's going to be read by the Clerk here. Take it away, Mr. Clerk.

**The Clerk of the Committee (Mr. Trevor Day):** Okay. Mr. Barrett has moved that, on item 1, "at the committee's regular scheduled meeting on Wednesday, December 10, 2014" be struck out and replaced with "on a date during the winter adjournment"; and

On item 2, that the number "1" be struck out and replaced with the number "2."

**Mr. Toby Barrett:** I'm sorry; I've got to check numbers 1 and 2. It's basically saying the same thing, eh?

**The Acting Chair (Ms. Laurie Scott):** Right, so on number 1, it's taking out December 10, because it's gone—we don't have these people here—and putting "a date during the winter adjournment," so that's one day.

**The Clerk of the Committee (Mr. Trevor Day):** And with number 2, removing the one-day request and turning it into a two-day request.

**Mr. Toby Barrett:** Yes.

**The Acting Chair (Ms. Laurie Scott):** Okay. Shall the amendment made by Mr. Barrett carry? All those in favour?

Toby, are you going to vote in favour of your amendment?

**Mr. Toby Barrett:** Oh, yes. Sorry. I was looking over there.

**The Acting Chair (Ms. Laurie Scott):** All those opposed? The amendment fails.

Now, going back to the main subcommittee report, which you've already had a lot of discussion on—

**Mr. Bas Balkissoon:** Chair?

**The Acting Chair (Ms. Laurie Scott):** Yes, Mr. Balkissoon.

**Mr. Bas Balkissoon:** I would love to move a motion that this subcommittee report be referred back to the subcommittee, with clear instructions to look at all legislation that has been referred to this committee, and to come back with a plan of action and a comprehensive schedule to deal with all of the legislation, starting with the first day of committee meetings in February and onwards.

**The Acting Chair (Ms. Laurie Scott):** I think that there's just a technical—

**The Clerk of the Committee (Mr. Trevor Day):** I don't know if you can actually amend this to do that. I think what you need to do is—

**Mr. Bas Balkissoon:** Well, you're the Clerk. Help me out. That's what I want to move.

**The Clerk of the Committee (Mr. Trevor Day):** I don't know. The scope of the subcommittee report is currently dealing with one bill. I guess you could add to it or strike quite a bit of it out, but—

**Mr. Bas Balkissoon:** Okay, then I'll move to strike this out, and the second clause is that the subcommittee meet to discuss all legislation that has been referred to this committee and report back to committee with a comprehensive schedule to deal with all three pieces of legislation.

*Interjections.*

**The Acting Chair (Ms. Laurie Scott):** Mr. Balkissoon, you cannot make the changes that you have suggested to remove it totally. You can only ask for unanimous consent to withdraw the subcommittee's report.

**Mr. Bas Balkissoon:** Okay. But if I do that could I then move—

*Interjections.*

**Mr. Bas Balkissoon:** Okay. Madam Chair—



**The Acting Chair (Ms. Laurie Scott):** Wait. Wait. Just one second.

**Mr. Bas Balkissoon:** Can I explain something to the Chair and the Clerk?

**The Acting Chair (Ms. Laurie Scott):** Okay.

**Mr. Bas Balkissoon:** We're here to do business. I know we might have a standing order on how to follow policy, but if I ask for unanimous consent, it will fail, so then we'll have to vote against this. I mean, it's semantics here that we're going through, but if that's what you want, then I'll vote against the subcommittee report.

*Interjections.*

**The Acting Chair (Ms. Laurie Scott):** We have to have unanimous consent in order to remove—

**The Clerk of the Committee (Mr. Trevor Day):** Withdraw.

**The Acting Chair (Ms. Laurie Scott):** —withdraw the subcommittee's—

**Mr. Bas Balkissoon:** Okay. I'll make a request.

**The Acting Chair (Ms. Laurie Scott):** For unanimous consent?

**Mr. Bas Balkissoon:** Unanimous consent to remove the subcommittee report that's in front of us—

**The Acting Chair (Ms. Laurie Scott):** To withdraw.

**Mr. Bas Balkissoon:** —with the intention to move my other motion, and I hope I get it.

**The Acting Chair (Ms. Laurie Scott):** Withdraw. Okay. Is there unanimous consent in the room? You're going to withdraw the subcommittee?

**The Clerk of the Committee (Mr. Trevor Day):** It's agreed. This is now off the table.

**Mr. Bas Balkissoon:** Okay. Thank you, Madam Chair. I didn't want to do that because some of them were not co-operating. I'll move my other motion.

**The Acting Chair (Ms. Laurie Scott):** Just hold on. We'll get caught up here.

**The Clerk of the Committee (Mr. Trevor Day):** What do you want your motion to say?

**The Acting Chair (Ms. Laurie Scott):** So now it's totally gone—

**Mr. Bas Balkissoon:** That the subcommittee call a meeting.

**The Clerk of the Committee (Mr. Trevor Day):** That the subcommittee meet to consider the committee's business?

**Mr. Bas Balkissoon:** To consider the three bills that have been referred to the committee and report back to the committee with a comprehensive schedule for all three pieces of legislation.

**The Clerk of the Committee (Mr. Trevor Day):** We don't actually need a motion for that; we can just call the meeting. But that's fine.

**The Acting Chair (Ms. Laurie Scott):** We don't need a motion?

**Mr. Bas Balkissoon:** If you want to add to it that the subcommittee meet at the call of the Chair.

**The Acting Chair (Ms. Laurie Scott):** That's fine. Agreed by everyone that the subcommittee meet at the call of the Chair? That is not me, it's him. Does everybody agree? Agreed.

This committee is adjourned. Thank you.

*The committee adjourned at 1327.*

## **CONTENTS**

Wednesday 10 December 2014

Subcommittee report .....	M-13
---------------------------	------

### **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Heather Webb, research officer,  
Research Services



HAZON  
XC20  
-L20



M-5

M-5

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 18 February 2015

# Journal des débats (Hansard)

Mercredi 18 février 2015

## Standing Committee on the Legislative Assembly

Committee business

## Comité permanent de l'Assemblée législative

Travaux du comité



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 18 February 2015

Mercredi 18 février 2015

*The committee met at 1306 in committee room 1.*

## COMMITTEE BUSINESS

**The Chair (Mr. Toby Barrett):** I think we have a quorum. We'll commence our regular meeting of the Standing Committee on the Legislative Assembly for this day, Wednesday, February 28. Our purpose for meeting is organization. We were unable to have a subcommittee, as we know, over the winter.

I have a conflict. I have a private member's bill before this committee, one of three, so I would wish to ask Mr. Clark to take the gavel. Thank you.

**Mr. Chris Ballard:** Mr. Chair?

**The Chair (Mr. Toby Barrett):** Oh, certainly.

**Mr. Chris Ballard:** Before you recuse yourself from the chair, because we'll be talking about business going on, I wonder if it's appropriate at this time: During the break, I had an opportunity to—well, this has been going on for years, an interest of mine and of my constituents, especially coming out of previous elections. I'm looking at putting a motion in front of the group now to study e-petitions. I felt that, before you stepped down, maybe this is something that we could have a quick look at. Then we can move Mr. Clark into your chair and talk about the other business.

*Interjections.*

**The Chair (Mr. Toby Barrett):** I appreciate that. I think I heard something about that. Our purpose is to discuss organization. As you know, there are three books of business presently before the committee.

**Mr. Chris Ballard:** Near and dear to our hearts, yes.

**The Chair (Mr. Toby Barrett):** Then let's add that discussion afterwards, if that makes sense.

**The Clerk of the Committee (Mr. Trevor Day):** It can be a part of the whole discussion.

**The Chair (Mr. Toby Barrett):** Yes, it's part of the discussion.

So I'm going to vacate.

**Mr. Chris Ballard:** Steve is anxious to get into the Chair.

**Mr. Bas Balkissoon:** There's no pay raise in it, Steve.

**The Acting Chair (Mr. Steve Clark):** It's okay. It's all good. I'm anxious to take a look at this.

So we're here to talk about a work plan for the committee on the Legislative Assembly. Mr. Barrett, do you have some comments you want to make in regard to hearing a bill through the committee?

**Mr. Toby Barrett:** As I actually mentioned, there are now three private members' bills stacked up before this committee. This committee—and I take partial responsibility—has not really addressed any business since the House reconvened last fall. I guess it goes without saying—and if you wish me to start, Chair—

**The Acting Chair (Mr. Steve Clark):** I do.

**Mr. Toby Barrett:** There is a private member's bill that did pass second reading. It was the second bill to be referred to this committee. The previous bill was the old original Michael Prue bill on tip-out, which did have public hearings before this committee.

Just very briefly, for the purposes of discussion—I know Michael Mantha of the NDP; I've chatted with him—obviously the interest remains, certainly with respect to Lyme disease, for the Legislative Assembly to address that issue through this committee. The particular bill that I put forward, just for the record, to the Standing Committee on the Legislative Assembly, is Bill 27, the Provincial Framework and Action Plan concerning Vector-Borne and Zoonotic Diseases Act, 2014.

I will say that I have attended a number of fundraisers since we last met, with respect to Lyme disease alone, which is one of a number of new and emerging infectious diseases. It seems that the province of Ontario is coming up short in some areas, and we could help with a better approach or perhaps by paying a little bit more attention, but there's a host of other issues as well.

I know we've discussed Ebola, and this legislation discusses Ebola; measles—measles vaccination has been in the news; regrettably, mad cow disease, which is another zoonotic disease which can transfer to humans, is in the news again in Alberta. We know—as a farmer—that that has a tremendous impact, and has had a tremendous impact, on Ontario's cattle industry. It's devastated the industry over the past 10 years.

I would like to stop there, Chair. Maybe, for the purposes of Hansard, will you remind this committee of the other two private members' bills that are before this committee?

**The Acting Chair (Mr. Steve Clark):** I'll ask the Clerk to advise on the other two bills. I believe they are Bill 12 and Bill 42.

**The Clerk of the Committee (Mr. Trevor Day):** Yes, that's correct. We have Bill 12, the Protecting Employees' Tips Act, 2014; Bill 42, the Municipal Amendment Act (Election of Chair of York Region), 2014.

**The Acting Chair (Mr. Steve Clark):** Mr. Ballard, did you have something on that?

**Mr. Chris Ballard:** Other than to say that Bill 42, with regard to electing the chair of the region of York, was a bill that, like Mr. Barrett's, has been to the House and received unanimous consent from all parties, and looks at really bringing democracy to the highest political level in the region of York; that is, as the chair of the region. It has, since introduction and since it has moved to this committee, received a lot of support from not only my residents, but residents right across the region who believe that the most powerful political position in the region should be one that is voted on.

**The Acting Chair (Mr. Steve Clark):** Mr. Hillier?

**Mr. Randy Hillier:** Those three bills are all good and valuable bills that have merit to them. In also recognizing the constraints of time, the House does not sit endlessly, and the committees don't sit endlessly. I think the important thing here is to get a time frame put forward to the committee and a plan on how to deal with what's already on the plate, knowing that other things may come up as well.

Of those three bills, although they're all important, one of them deals with the health of people. As a member who represents a rural riding, I've had many, many town hall meetings and meetings with health care providers and people who are afflicted with Lyme disease, and I would say, because it's dealing with people's health, and the very significant financial hardships as well as health hardships that people are experiencing due to these diseases, I would really stress and emphasize and hope that the committee would put matters of health at the forefront and make it the priority of the committee to deal with Bill 27 first.

Not that I don't believe democracy isn't important; it very much is so. Also, people's wages are very important, which the other two bills speak to. However, knowing and seeing first-hand these people who are afflicted by these very debilitating diseases, I would really hope that this committee unanimously views the health of our residents as the greatest priority to expedite. Thank you.

**The Acting Chair (Mr. Steve Clark):** Mr. Singh.

**Mr. Jagmeet Singh:** Just very briefly, can you confirm the—one is obviously the election of the chair of the region of York. The zoonotic disease we've talked about. What was the third private members' bill?

**The Acting Chair (Mr. Steve Clark):** It was Bill 12. It was Mr. Potts's bill—

**Mr. Jagmeet Singh:** Oh, right. The tip-outs, yes. Okay, thank you. That's good.

**The Acting Chair (Mr. Steve Clark):** Any other questions or comments by members of the committee?

I guess while it's normal to have a subcommittee meeting to schedule hearings on bills before a legislative committee, it's also appropriate if the committee decides that they wish to schedule the bill to go to hearings by resolution of the committee. That is certainly in order. I'm not sure what you're proposing, Mr. Barrett, regard-

ing your bill, but certainly the Chair is open if you want to deal with one of those three bills as well.

I'm mindful that Mr. Ballard is also wishing, at some point today, to table a motion regarding e-petitions. I guess I'm looking for guidance by resolution if you want to start organizing hearings for Bill 27, Bill 42 or Bill 12.

**Mr. Toby Barrett:** I do know that at our last regular meeting of the standing committee I did request that we set a schedule for all three pieces of legislation, ever bearing in mind that we have already had hearings on the tip-out bill. Whether that requires—

**Mr. Bas Balkissoon:** To be redone.

**Mr. Toby Barrett:** Pardon?

**Mr. Bas Balkissoon:** It happened once but you've got to do it again.

**Mr. Toby Barrett:** Yes. I see. We do have to do it again.

I think in our discussion previously, I felt there was agreement that we were going to set the logistics. I think the Clerk had been instructed to map out the logistics to move all three forward. Regrettably, we were unable to get together for a subcommittee meeting over the winter break, and hence, we're discussing it here.

I guess my request remains to lay out a schedule and to get on with the—

**The Acting Chair (Mr. Steve Clark):** Well, again, I think it's important—I'm looking for a motion.

**Mr. Randy Hillier:** I'll put a motion on the floor—

**The Acting Chair (Mr. Steve Clark):** Sure.

**Mr. Randy Hillier:** —that this committee accept and adopt that it will hear and examine Bill 27 first and allot—I'll go back and give the argument for this after—three weeks for Bill 27, followed immediately by Bill 42 and then Bill 12, with an allotment of two weeks for each of those.

Why I say that: The York region bill is concentrated close here to Queen's Park, the effects of it. The tip-out bill has been heard before, and by and large, the greatest numbers of people who are affected or would benefit from Bill 12 are here in southern Ontario and the GTA, whereas Bill 27 speaks more to diseases which are very prevalent and very frequently found in rural Ontario. Indeed, I don't know if there has ever been a case of Lyme disease reported from the GTA.

**Mr. Bas Balkissoon:** Oh, yes.

**Mr. Chris Ballard:** There have been.

**Mr. Bas Balkissoon:** We've had many.

**Mr. Randy Hillier:** That weren't contracted elsewhere, is what I meant.

**The Acting Chair (Mr. Steve Clark):** I guess that answers that statement.

**Mr. Randy Hillier:** But clearly, the rural areas are where the contracting of those diseases is more prevalent, and I think it would give the committee a greater understanding of those diseases if we had the ability to travel.

There's the motion.

**The Acting Chair (Mr. Steve Clark):** We've got a motion on the floor to consider Bill 27 for three consecutive weeks—so that would be six hours—followed



by Bill 42 for two weeks, followed by Bill 12 for two weeks.

1320

I'm assuming that for Bill 27 you would have four hours of public hearings and two hours of clause-by-clause. That would be three weeks. Then Bill 42 would be one two-hour public hearing, one two-hour available for clause-by-clause and the same for Bill 12.

**Mr. Randy Hillier:** In addition, to allow for some travel of Bill 27 to go to the rural areas.

**The Acting Chair (Mr. Steve Clark):** Yes.

**Mr. Randy Hillier:** That's just a motion on the floor for discussion.

**The Acting Chair (Mr. Steve Clark):** I'll go in rotation. Mr. Singh, then Mr. Balkissoon.

**Mr. Jagmeet Singh:** Sure. The initial suggestion, I just want to add my voice to it. I'm happy that we—if we can, I'd love to schedule it in committee today. I'm open to that idea as well. On behalf of the NDP, we're supportive of that notion if we can come to an agreement. I particularly don't have a strong preference for what order the bills are done, as long as they're all done. I think that's fair. Beyond that, I limit my comments to those.

**The Acting Chair (Mr. Steve Clark):** Mr. Balkissoon?

**Mr. Bas Balkissoon:** Chair, just before we take any vote, I was wondering—at the last meeting, we did send it to the subcommittee. Do we have a copy of that direction that was given to the subcommittee? At least we should review that, and then I'd like to make some comments on Mr. Hillier's motion. I don't know what my other colleagues have in mind—

*Interjection.*

**The Chair (Mr. Steve Clark):** My understanding from the Clerk is that the direction was that the subcommittee would meet and program the three bills in committee. No subcommittee meeting took place.

**Mr. Bas Balkissoon:** Okay. But we did have discussions on—

**Mr. Chris Ballard:** Order.

**Mr. Bas Balkissoon:** —on some order, because I'm sitting here remembering that all of us had discussed the fact that the tipping bill, if I could call it that, had been here and never got to third reading. The public has heard—and I don't know. Mr. Prue moved that bill two or three times. Because it's a matter of semantics just to get that through the process, let's get it out of the way quickly. The bill on Lyme disease or all the other stuff that goes with it sounds like a more lengthy process. It doesn't make sense delaying some of the stuff that's easy and simplistic to do. That's why I asked if we had no—

**The Acting Chair (Mr. Steve Clark):** If you'd like us to check Hansard, we could do a brief recess and check exactly what was in the committee Hansard and we can—

*Interjection.*

**Mr. Bas Balkissoon:** Can we do that?

**Mr. Toby Barrett:** Chair, I have a copy of Hansard here.

**The Acting Chair (Mr. Steve Clark):** Oh, you have a copy. All right.

**Mr. Toby Barrett:** And I will say that it did seem to be fairly vague. If we do have a recess—and I just wanted to—for purposes of the discussion as far as the order, we do know that Bill 12 arrived first. We do know—

**Mr. Bas Balkissoon:** Oh, at the referral date? Okay.

**Mr. Toby Barrett:** Yes. In fairness—and there are people in the public who watch this and they know that that one arrived first and then there was the second one and the third one. I would just propose—now this would reverse the order you've suggested for the first two—to go with the order that they arrived at the committee.

**Mr. Randy Hillier:** I'm always open for amendments.

**The Acting Chair (Mr. Steve Clark):** That's wonderful.

**Mr. Toby Barrett:** I just wanted to throw that in.

**Mr. Randy Hillier:** In the spirit of co-operation.

**The Acting Chair (Mr. Steve Clark):** Ms. Wong, did you have a comment?

**Ms. Soo Wong:** Mr. Chair, I just want to be on record. As much as I know the Clerk has reached out to the subcommittee members during the holidays—and I also sit, Mr. Chair, as Chair of SCFEA. We met for two weeks in the month of January, and with all due respect, it's not because we don't want to meet in terms of subcommittee. So now that we do know the subcommittee was charged to look at these three bills—and all of us are busy when we have committee work, and SCFEA was meeting while the House was not sitting, during the nine-week recess.

Furthermore, some of us also have New Year's. So I understand what Mr. Barrett, as Chair of the committee, is trying to do, to have the subcommittee meeting, but unfortunately members like myself sit on multiple committees. During that time, the month of January, it was very difficult for me to meet for even one week when you give up two weeks for another committee. So it's not because we didn't try to meet. In fact, on the record, we wanted to make sure that the subcommittee did try. Unfortunately, there were conflicts with other committees of the House. I just want to be on the record about that.

**The Acting Chair (Mr. Steve Clark):** I'm glad you are. Mr. Ballard.

**Mr. Chris Ballard:** Earlier I raised the idea of the need for us—this committee, anyway—to look at promoting e-democracy, starting with e-petitions. I would like to propose an amendment to Mr. Hillier's motion that my motion—as yet not introduced, but I'm happy to introduce it at any time—be part of the mix for discussion.

**The Clerk of the Committee (Mr. Trevor Day):** What we have so far is Mr. Hillier moving Bill 27, three weeks; Bill 42, two weeks; Bill 12, two weeks. Mr. Barrett had mentioned changing the order of those.

**The Acting Chair (Mr. Steve Clark):** He has agreed to move Bill 12 to be first.

**The Clerk of the Committee (Mr. Trevor Day):** Okay, first of all, on the amendment to that, the Chair has to put the question on whether we change the order of those.

**The Acting Chair (Mr. Steve Clark):** All those in favour?

**Mr. Bas Balkissoon:** But if I hear my colleague correctly, he wants this to be in the mix of the three.

**The Clerk of the Committee (Mr. Trevor Day):** It will be a subsequent amendment to the motion.

**The Acting Chair (Mr. Steve Clark):** Let's deal with the first amendment. You're not going to amend changing the two bills with a substantive motion on e-petitions.

**Mr. Bas Balkissoon:** No; I'm more concerned about what the final order will be.

**Mr. Randy Hillier:** We'll be very amenable to that.

**The Acting Chair (Mr. Steve Clark):** On the amendment to place Bill 12 first, before Bill 27 and Bill 42, all those in favour?

**Mr. Bas Balkissoon:** I thought he said we were going to adopt them in the order they were referred to committee. What was the order all three referred to committee?

**Mr. Chris Ballard:** Bills 12, 27 and 42. I think that was the order.

**The Acting Chair (Mr. Steve Clark):** Yes.

**Mr. Bas Balkissoon:** So it's 12, 27 and then 42. Okay.

**The Acting Chair (Mr. Steve Clark):** That's the order.

**Mr. Bas Balkissoon:** All right. So we understand that clearly.

**The Clerk of the Committee (Mr. Trevor Day):** There were weeks attached to each one. Are you keeping the weeks when you move it?

**Mr. Bas Balkissoon:** Well, are the two weeks for 42 and 12 workable? The three weeks for 27—the member who moved 27 is happy with it. I'm not the mover of 12. Is one day for hearing and one day for clause-by-clause enough?

**The Clerk of the Committee (Mr. Trevor Day):** As it stands now, we have no requests to appear on any of these bills. Not knowing the amount of time for presenters means I don't actually know how—

**Mr. Bas Balkissoon:** No, but we could restrict it to two hours.

**The Clerk of the Committee (Mr. Trevor Day):** This committee only meets two hours a week.

**The Acting Chair (Mr. Steve Clark):** Right, 1 to 3.

**Mr. Bas Balkissoon:** I'm asking: Is that going to be adequate, one day for a hearing and one day for clause-by-clause?

**The Clerk of the Committee (Mr. Trevor Day):** That's up to the committee to decide.

**Mr. Bas Balkissoon:** Okay. Just practicality.

**The Acting Chair (Mr. Steve Clark):** For sure. Do you have a question, Mr. Ballard?

**Mr. Bas Balkissoon:** We're okay with that type of schedule.

**Mr. Randy Hillier:** Okay, so do we take a vote?

**The Acting Chair (Mr. Steve Clark):** He's asking a question before the vote.

**Mr. Randy Hillier:** Okay.

**Mr. Chris Ballard:** The question I would have, then—we only have so many days to debate bills, and I'm eager to get a fourth one on the table. So I'm a little reticent to assign time allocations to all the bills for fear that that will put a squeeze on the bill that I want to amend to this motion.

**The Acting Chair (Mr. Steve Clark):** I don't understand. This isn't a bill; this would be an amendment to the standing orders.

**Mr. Chris Ballard:** An amendment, but we're attaching times to it. That's what we're doing, right?

**Mr. Randy Hillier:** Yes.

**Mr. Chris Ballard:** I'm saying that I'm nervous about agreeing to attaching times to it if I'm trying to now put a fourth motion forward.

**Mr. Randy Hillier:** Well, let's put this on the record. This motion is for planning purposes.

**Mr. Chris Ballard:** Yes.

**Mr. Randy Hillier:** There's no motion that comes before the committee, other than an actual time allocation motion, that isn't amendable at some other time by this committee. As the committee goes through things, if they see that there isn't enough time allotted or afforded for a particular bill, we just put a motion forward to extend that time. I would convey, in the greatest sincerity, that there is no interest on this side to be restrictive in that regard or that we would prevent any matter such as that from affording more time to a bill.

**The Acting Chair (Mr. Steve Clark):** If I can make an editorial comment, the reason some of the members are here today is because of their interest in e-petitions. I sat in this committee, as Mr. Balkissoon would know, for the better part of two years to look at standing order changes, and they went nowhere. So there's no one at this table today who wants to move faster on this item than me.

1330

**Mr. Chris Ballard:** Wow. Good.

**The Acting Chair (Mr. Steve Clark):** That's just an editorial comment.

**Mr. Chris Ballard:** Okay, an editorial comment. Yes.

**The Acting Chair (Mr. Steve Clark):** So, unless there are any other comments on the amendment—yes, Ms. Wong?

**Ms. Soo Wong:** I just wanted clarity, Mr. Chair. I wanted to hear from the mover the rationale behind it, because if I'm hearing correctly, all three bills are equally weighted. I just want to hear from the mover how come Mr. Barrett's bill gets an extra week—

**The Acting Chair (Mr. Steve Clark):** I think he said why.

**Ms. Soo Wong:** — compared to the other two bills, right? So can you just comment on that?



**Mr. Randy Hillier:** I do believe that there will be a greater necessity and requirement to hear from people beyond the GTA and allow for some time for the committee to travel to other locations to see and hear directly from people who are affected by those diseases, whether it be Lyme disease or other zoonotic diseases like mad cow—there are not a lot of cattle farmers right here in the GTA. That's the rationale behind it: just, again, for planning purposes that we allot a little bit more time so that the committee can travel and hear directly from people in rural and/or northern Ontario.

**Ms. Soo Wong:** Okay. So I just want to hear, then, Mr. Chair, because I'm new on this committee: Is it customary for this committee to travel outside committee time or during these two hours that we schedule? Because I'm hearing Mr. Hillier asking—

**The Acting Chair (Mr. Steve Clark):** You would need permission of the House—

**Ms. Soo Wong:** Exactly.

**The Acting Chair (Mr. Steve Clark):** —for this committee to travel outside of their—

**Ms. Soo Wong:** The scheduled time, right?

**Mr. Randy Hillier:** Yes.

**Ms. Soo Wong:** So there might be an additional request to the House, not just from the motion.

**Mr. Randy Hillier:** Yes.

**The Acting Chair (Mr. Steve Clark):** Yes.

**Ms. Soo Wong:** The other thing here is, I'm also concerned, from the mover, to assume that there might not be other interests, because there are nine municipalities in York region. Mr. Ballard's bill being proposed to this committee for discussion has nine municipalities. When we start that route of one bill travelling and the other bills not travelling, is it fair and equitable when we are saying—okay?

I just wanted to make sure to bring to the attention of this committee that when we're voting, we must be prepared—if we extend one extra week for one bill, the other two bills might have to come back to the committee and we've got to do the same, because that would not be perceived as fair and equitable, Mr. Chair. Those are my concerns.

**The Acting Chair (Mr. Steve Clark):** Mr. Hillier?

**Mr. Randy Hillier:** Let me just respond. The committee can seek the approval of the House for a number of different things, such as travel, but it's at the behest of the committee. It's not at the behest of any one individual. The committee as a whole would vote on that. If they find it desirable or necessary to travel, the committee would request that approval from the House.

It's commonplace that some bills get referred and are travelled across the province. A case in point: the Far North Act and the Mining Act. That affected more people in northern Ontario than it did here in southern Ontario, so that committee travelled throughout northern Ontario. That a bill travels or not does not cause it to be inequitable. It's who is bearing the consequences, or where is the information to be found for this committee to make informed choices and decisions?

Again, I put that motion out as a planning process. Okay? It's amendable. It's amendable at any time, but it's to get something on the table that we agree to in concept.

The vote is first off for this order. I don't think there's any disagreement about changing the order in the way it was referred. It allots a certain amount of time. The committee can change that time at any time, and we can also change the order once again. If Mr. Ballard has a motion on to insert—another motion to be dealt with before the other three, then that's acceptable as well.

**The Acting Chair (Mr. Steve Clark):** Mr. Barrett, you had something further to add?

**Mr. Toby Barrett:** Yes. Just further to Ms. Wong's comment on Bill 27 and the time required, you would recall that at one of the subcommittees, we were discussing public hearings, and then—I'm not sure if it was you—a proposal was also made that we bring in several expert witnesses separate from the general public hearings. I know you had recommended, I think, the executive director of public health Canada, the executive director of Public Health Ontario and also our Minister of Health to—

**Ms. Soo Wong:** I did not recommend the Minister of Health.

**Mr. Toby Barrett:** No, I think I maybe suggested the Minister of Health because I have a great deal of respect for his experience as not only as a physician, but also a public health officer and also a specialist in infectious diseases.

That was discussed, as I recall—I guess it would be in Hansard—during this committee. I think Mr. Ballard indicated that several of those people were caught up in Ebola and were maybe not available. I know you mentioned that.

**Mr. Chris Ballard:** I just didn't want to pull them away from that.

**Mr. Toby Barrett:** But anyway, it was not only a certain number of hours for public hearings, but also a certain number of hours for Ontario or Canada's expert opinion to be presented at the witness table. That was just where that came from.

**The Acting Chair (Mr. Steve Clark):** Ms. McMahon.

**Ms. Eleanor McMahon:** I was hoping that we could ask for a 20-minute recess, just to have a conversation about what's before us here, if that would be okay.

**The Acting Chair (Mr. Steve Clark):** If the members agree, we'll come back and we'll vote on the amendment immediately upon coming back to the committee. There's no further debate on the amendment?

**Mr. Chris Ballard:** Is this including my amendment to the amendment to the amendment?

**The Acting Chair (Mr. Steve Clark):** It's just changing the order, Mr. Ballard, of—as soon as we get past voting on the amendment that would order this to be 12, 27, 42, then we can hear other suggestions.

**Mr. Randy Hillier:** And one more thing to add, Chair: I would like to distribute a document. I don't have one for every committee member—



**The Acting Chair (Mr. Steve Clark):** I already have one.

**Mr. Randy Hillier:** But I know a number of the committee members do have them. It's called Constituents First: Empowering Local Legislators. It's something that I've developed and put before the Legislative Assembly committee previously, and it includes electronic petitions.

**The Acting Chair (Mr. Steve Clark):** We can get copies.

Okay. We'll take a 20-minute recess.

*The committee recessed from 1337 to 1357.*

**The Acting Chair (Mr. Steve Clark):** We'll reconvene the Legislative Assembly committee. It's now time to vote. We're going to vote on the amendment by Mr. Barrett moving the order to be Bill 12 for two weeks, Bill 27 for three weeks and Bill 42 for two weeks. It's a change in order. All those in favour? Opposed? I'll take that as a motion carried.

All right. We're back on the original motion: that the committee will meet two weeks on Bill 12, tip-outs, and three weeks on Bill 27, followed by Bill 42 at two weeks. Any further debate? Yes, Mr. Ballard.

**Mr. Chris Ballard:** My motion falls in where, sir?

**Mr. Randy Hillier:** Before you put that motion in play, did you read the green book?

**The Acting Chair (Mr. Steve Clark):** I don't know that he had a chance to.

Mr. Ballard, your amendment.

**Mr. Chris Ballard:** I'd like to move that the standing committee conduct a review of the petition procedures currently in use at the Legislative Assembly of Ontario and the use of e-petitions in other jurisdictions. I've got the full motion typed out here. I can pass that around, if that is what you would like.

**The Acting Chair (Mr. Steve Clark):** Mr. Ballard, you're going to have to take this amendment that the government House leader gave me and you're going to have to work it into the existing motion that is before the committee on hearing those three bills. So you're going to need to structure this motion so that we can deal with when that review will take place.

**The Clerk of the Committee (Mr. Trevor Day):** Basically, what the committee has done so far is, there was a motion by Mr. Hillier that we look at three bills in a given order. Mr. Barrett has amended that, and the committee voted on it, so the order has been changed, but the committee has not actually agreed to look at those three bills in that order yet, so that's still on the floor of the committee. If Mr. Ballard has something to interject into those three—

**The Acting Chair (Mr. Steve Clark):** If I can be helpful to you, sir: This committee, if you use our standard meeting time, with this motion, we've dealt with seven of the 12 sittings this committee will have in this session. This committee would meet 15 times if we made a decision to meet during break week.

So you've got 15 opportunities for the committee to meet in its normal time. The motion that's before the committee deals with seven of those 15, if that's helpful.

*Interjection.*

**The Acting Chair (Mr. Steve Clark):** Okay, so why don't we just take a couple of minutes' recess? We'll work with you.

**Mr. Bas Balkissoon:** Give us three minutes to write this preamble.

**The Acting Chair (Mr. Steve Clark):** Okay, perfect.

*The committee recessed from 1400 to 1404.*

**The Acting Chair (Mr. Steve Clark):** We'll reconvene the committee. Mr. Ballard, you have an amendment to the motion, as amended.

**Mr. Chris Ballard:** It's simply that I move that, prior to commencing consideration of Bills 27, 42 and 12, the Standing Committee on the Legislative Assembly conduct a review of the petition procedures currently in use at the Legislative Assembly of Ontario, and the use of e-petitions in other jurisdictions, and

That the committee produce a report on the advantages and disadvantages of integrating e-petitions into the assembly's existing petition procedures, and recommend whether e-petitions should be implemented, and if so, which would be the best practical model, and

That, in order to assist the committee's review, the Clerk and Deputy Clerk of the Legislative Assembly of Ontario be invited to appear before the committee; that the table research office be instructed to provide background information on e-petitions and that the committee hear from other witnesses that it deems relevant.

**The Acting Chair (Mr. Steve Clark):** Thank you, Mr. Ballard. I just have a question. Given that I'm the House leader for the official opposition, I know that there is a substantive report by the Clerks that is available. Prior to you putting the question on the floor, I mentioned the amount of time that the committee has at its disposal from now until the end of this spring session. Are you proposing that the motion be open-ended and not define a particular time that we would sit and discuss this?

**Mr. Chris Ballard:** I'm somewhat reticent to put an amount of time to it right now, only because—again, I take advice from all around the table from those with more experience than me, but I'm reticent to put a time limit to it. I'm not sure exactly how much time this will take to get the ball rolling.

**The Acting Chair (Mr. Steve Clark):** Mr. Hillier, on the amendment.

**Mr. Randy Hillier:** This subject has been brought up at length previously. There is a fairly substantial amount of background documentation that has been done up in the past. Again, all scheduling is able to be amended if the need arises and if the committee deems it necessary. Knowing that there are seven of 12 weeks allotted in the original motion and that we would want to provide some margin in case any of those bills need to take a greater length of time for examination, I would suggest that two or three weeks would be adequate. Just on the safe side, I would offer this as an amendment to your amendment to the motion that this be dealt with and examined within the first three weeks. We would be more than happy to support that fully.



**The Acting Chair (Mr. Steve Clark):** Just give the Clerk a second here.

**Mr. Randy Hillier:** At the end of the day, that would then allocate 10 of the 12 weeks of this committee before the end of the session, so we'd still have a little bit of a margin for exigent circumstances or a need for further examination.

**The Acting Chair (Mr. Steve Clark):** Okay. This brings me back to my old city council days with amended motions and motions as amended.

Mr. Hillier is amending your amendment to place the first three weeks of this committee's deliberations to deal with your motion on e-petitions. Discussion on the amendment by Mr. Hillier? Yes, Mr. Balkissoon, then Mr. Ballard.

**Mr. Bas Balkissoon:** I'm wondering if Mr. Hillier would put it the way he did, but also accept a friendly amendment that after week two we could revisit this planned schedule of work, which has no dates, really; it just has a plan.

**The Acting Chair (Mr. Steve Clark):** He's going to actually have to agree to that.

**Mr. Bas Balkissoon:** So if we need more than three, and say it needs four, we could make that—

**Mr. Randy Hillier:** Sure, yes.

**Mr. Bas Balkissoon:** If you could word it that way, I'm happy to support you.

**Mr. Randy Hillier:** That the amendment be amended to include three weeks—I don't know if there's a need, because the committee can, at any time, alter its course and alter this plan.

**Mr. Bas Balkissoon:** But I think it will make it clear that it's understood by all of us.

**Mr. Randy Hillier:** I'll certainly go on record that we envisioned three weeks would be suitable; however, we'd be open for further examination if the committee deems it worthwhile.

**Mr. Bas Balkissoon:** Sure.

**The Acting Chair (Mr. Steve Clark):** You would do it the first three weeks. It would be this.

**Mr. Randy Hillier:** Okay, so the motion: We'll take the first three weeks and we will revisit it after the second week.

**Mr. Bas Balkissoon:** After the second week, we will at least revisit the schedule.

**Mr. Randy Hillier:** Revisit the timetable.

**Mr. Bas Balkissoon:** Yes.

**The Acting Chair (Mr. Steve Clark):** Any more comments on the amendment by Mr. Hillier?

**Ms. Eleanor McMahon:** If I may, Mr. Chair?

**The Acting Chair (Mr. Steve Clark):** Yes.

**Ms. Eleanor McMahon:** Quickly, in support of my colleague: I don't want to prolong the conversation, but from a rookie's point of view, I guess—oh, Mr. Hillier's gone.

**The Acting Chair (Mr. Steve Clark):** He's just grabbing a coffee.

**Ms. Eleanor McMahon:** I guess what I would simply add is that we're trying to get as much information as we

can from other jurisdictions, and we wouldn't want to limit the opportunity to study this issue, which seems to have relative and broad agreement around the table that we examine it. So let's take the time that we need and not hem ourselves in.

**The Acting Chair (Mr. Steve Clark):** No, and I have the ability because I have the report from the Clerk, and I have sat at this committee and listened to the Clerk talk about e-petitions. It is a substantive report; it is a very detailed report that is available today. You'll probably have it this afternoon.

**Mr. Bas Balkissoon:** Why don't we just ask the Clerk to forward it to all members ASAP?

**The Acting Chair (Mr. Steve Clark):** Yes, for sure. Okay. The amendment for the three weeks: all those in favour?

**Mr. Jagmeet Singh:** So just to clarify?

**The Acting Chair (Mr. Steve Clark):** The first three weeks.

**Mr. Jagmeet Singh:** The first three weeks to review e-petitions.

**The Acting Chair (Mr. Steve Clark):** And review it after the second week to see if you need additional time.

**Mr. Jagmeet Singh:** Yes.

**The Acting Chair (Mr. Steve Clark):** Okay? Carried? On the motion as amended by Mr. Ballard? Carried. All right.

**Mr. Randy Hillier:** Now the main motion.

**The Acting Chair (Mr. Steve Clark):** Now the main motion, as amended. Discussion?

**Mr. Bas Balkissoon:** If I could just add, Chair, I ask the Clerk to forward all of the previous documents to us.

**The Acting Chair (Mr. Steve Clark):** That whole binder that we had?

**Mr. Bas Balkissoon:** So we can read it.

**The Acting Chair (Mr. Steve Clark):** That's lots of stuff.

**The Clerk of the Committee (Mr. Trevor Day):** In this motion, it actually talks about table research providing background information.

**Mr. Bas Balkissoon:** But as soon as possible.

**The Acting Chair (Mr. Steve Clark):** There's lots of background.

**Mr. Bas Balkissoon:** Yes.

*Interjections.*

**The Acting Chair (Mr. Steve Clark):** Yes, Ms. Wong?

**Ms. Soo Wong:** Mr. Chair, I'm totally confused—

*Interjections.*

**Ms. Soo Wong:** I don't know about you—this is not like you said earlier. I'm very confused. What are we voting on? Can you do one more read? And I would like to have a recess to know what I'm voting on.

**The Acting Chair (Mr. Steve Clark):** I will call on the Clerk. He will read the motion. We'll call a recess, and then we'll vote on the final motion.

**Ms. Soo Wong:** Exactly. Thank you.

**The Clerk of the Committee (Mr. Trevor Day):** What we have roughly is:

That, prior to commencing consideration of Bills 12, 27 and 42, the Standing Committee on the Legislative Assembly, for a three-week period initially, to be reviewed after two weeks, conduct a review of the petition procedures currently in use at the Legislative Assembly of Ontario and the use of e-petitions in other jurisdictions; and

That the committee produce a report on the advantages and disadvantages of integrating e-petitions into the assembly's existing petition procedures and recommend whether e-petitions should be implemented and, if so, which would be the best practical model; and

That, in order to assist the committee's review, the Clerk and Deputy Clerk of the Legislative Assembly of Ontario be invited to appear before the committee, the table research office be instructed to provide background information on e-petitions and the committee hear from any other witnesses it deems relevant.

Following that, the committee will be looking at two weeks of Bill 12, three weeks of Bill 27 and two weeks of Bill 42.

**The Acting Chair (Mr. Steve Clark):** Do you still want your recess?

**Ms. Soo Wong:** Yes. Can we have a recess so I can talk to my colleagues?

*Interjections.*

**The Acting Chair (Mr. Steve Clark):** Ms. Wong, you want a recess?

**Ms. Soo Wong:** Yes, I want a 20-minute recess, please.

**The Acting Chair (Mr. Steve Clark):** A 20-minute recess, then we'll come back and vote. No other debate.

*The committee recessed from 1413 to 1433.*

**The Acting Chair (Mr. Steve Clark):** Okay, folks. We'll reconvene the meeting. We've circulated the final amended motion, and I'm ready to call the question. All those in favour of the motion as amended? Opposed? Motion carried.

**Mr. Bas Balkissoon:** Toby opposed it.

**Mr. Jagmeet Singh:** Who was opposed?

**The Acting Chair (Mr. Steve Clark):** Toby didn't oppose it.

**Mr. Bas Balkissoon:** Toby was opposed.

**The Acting Chair (Mr. Steve Clark):** I'm almost 100% that Toby didn't oppose it.

Mr. Barrett, do you want to come back to the chair to adjourn the meeting, or do you want me to do that?

**Mr. Toby Barrett:** I'll let you carry on.

**The Acting Chair (Mr. Steve Clark):** All right. I'll just carry on. Is there any further—

**Mr. Randy Hillier:** We have such entire co-operation there, I think we should—

**Mr. Jagmeet Singh:** I have the motion printed up I want to introduce at this point.

**Interjection:** Good.

**Mr. Jagmeet Singh:** I'm joking.

**The Acting Chair (Mr. Steve Clark):** But he said it so seriously. He was so serious.

Any further business? Thanks very much. We'll reconvene next week at 1 o'clock to talk about e-petitions. Meeting adjourned.

*The committee adjourned at 1434.*





## CONTENTS

Wednesday 18 February 2015

Committee business .....	M-19
--------------------------	------

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Heather Webb, research officer,  
Research Services



1120N  
XC20  
-L20



M-6

M-6

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 25 February 2015

# Journal des débats (Hansard)

Mercredi 25 février 2015

## Standing Committee on the Legislative Assembly

Petitions

## Comité permanent de l'Assemblée législative

Pétitions



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

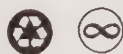
Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 25 February 2015

Mercredi 25 février 2015

*The committee met at 1302 in committee room 1.*

## PETITIONS

**The Chair (Mr. Toby Barrett):** Good afternoon, everyone.

**Mr. Steve Clark:** Good afternoon, Chair.

**The Chair (Mr. Toby Barrett):** Thank you. This is our regular meeting of the Standing Committee on the Legislative Assembly, February 25.

Our agenda, and the purpose of our meeting this afternoon, is to discuss petition procedures. I'm very pleased to welcome Deb Deller, Clerk of the Legislative Assembly, and Todd Decker, Deputy Clerk.

Committee members will know that we also received a document that was distributed by the Table Research Office. It is titled "E-Petition Models for the Legislative Assembly of Ontario." We welcome that background material.

I would like to ask both Deb and Todd if they wish to maybe kick off with some remarks from the witness table. I leave it in your hands, if that's okay with the committee.

**Mr. Randy Hillier:** Absolutely.

**The Chair (Mr. Toby Barrett):** All right.

**The Clerk of the Assembly (Ms. Deborah Deller):** When I was first asked to come before the committee to talk about e-petitions, I'll be honest and tell you that my reaction was, I've already done that. Because, in fact, it is a conversation that I have had at this committee and with the House leaders in the past, and I'm not sure that I have anything really new to add to the discussion.

Or at least I thought I didn't have anything new to add to the discussion. Then, just like magic, yesterday, doesn't the UK come up with something new to add to the discussion. I'm going to first turn the floor over to Todd to explain what happened in the UK House of Commons.

**The Deputy Clerk (Mr. Todd Decker):** Exactly as Deb said, just coincidentally, yesterday, the UK House of Commons adopted a motion and amendments to their standing orders to make provision for an enlarged e-petitions process in the House of Commons and the establishment of a dedicated e-petitions committee.

This arose out of a report made by their procedure committee and tabled in the UK House of Commons in November 2014 that made a series of recommendations. That finally came to fruition yesterday.

Basically, what's going to happen is that the House of Commons e-petitions system is going to be merged with the government's existing e-petitions platform and it's all going to be run out of the House of Commons. They've decided on that collaborative approach just to streamline things and make it a one-stop petition shop, and it's going to be principally administered out of the House of Commons. The committee decided that the House of Commons should be in control of the petitions that are going to be presented to the House—that made the most sense—rather than departments of government or anything like that.

The technical platform of the government's e-petitions site is going to be the one that they're going to be using. It's going to be administered out of the House of Commons.

The threshold for a petition appearing on that site is an initial six signatures, six signatories. That's what is required to get the petition mounted in the first place.

Petitions will remain live on their site for a maximum of six months. At the end of that time, the petition will be referred to this dedicated e-petitions committee.

It will be up to the committee to decide what action it wants to take with the petition. It has a number of things it can do. Once the petition has been taken off the site, the committee can decide that it wants to meet with or correspond with the petitioners, learn more about the subject matter, have a hearing or receive testimony from the petitioners on the subject matter of the petition.

They could refer the petition to another committee of the House of Commons that's a policy-field committee that's dedicated to the specific subject matter of that petition, so that that committee could maybe have a more in-depth look at the matter that has been raised.

They could seek further information from the government, so the committee could call in departments of the government and have a discussion and a hearing about what has been raised and possible solutions etc., for the issue that has been raised.

They could ultimately recommend that the subject matter of the petition be scheduled for a debate, either in the House of Commons or in Westminster Hall, which is sort of their second, mini-Parliament.

That's the system that has been adopted in the UK House of Commons.

One thing worth noting is that the committee identified the likely cost of this. I don't think the scope

and scale of what they're doing in the UK House of Commons is comparable to anything that's either being contemplated for here or likely to be adopted, but it does give you an indication that all of this isn't free. There is some cost to it. In the case of the UK House of Commons, they're looking at £188,000 for the initial set-up, and £115,000 ongoing annual maintenance of the e-petitions technology. They're suggesting that they probably will need four full-time staff to administer the process.

As I say, it's unlikely that our system—whatever would get adopted here, if that's what ends up happening—would be on that scale, but it's just to put it on your radar that there is some likely cost associated with doing something differently than what we're doing now.

**The Chair (Mr. Toby Barrett):** Thank you, Todd. I don't know whether there are any questions on the UK system. Would we wish to continue?

Jagmeet?

**Mr. Jagmeet Singh:** Thanks. Just on the UK system, and questions with regard to that: The six signatories—how do they obtain the identification of an individual? What are the requirements? What do you need to do to sign a petition?

**The Deputy Clerk (Mr. Todd Decker):** The person or organization that wants to originate a petition is basically responsible for obtaining those signatures. They will coordinate with the petitions office, the House of Commons staff that will be responsible for administering the e-petitions system. They will be looking at things like making sure that that minimum threshold for starting a petition has been reached, that the signatures are proper, that the design of the petition is in order, that it's appropriate, that the subject matter is within the authority of the House of Commons to deal with, and all of those sorts of things. It will be moderated, if you will, by House of Commons staff initially, before being mounted on their e-site.

**Mr. Jagmeet Singh:** Sorry, can I just ask a couple of questions, just to clarify? My first question is on the form itself. Is the form itself hosted by the government? Or is it the organization that wants to do an e-petition, and they host the site, or host the platform, on which people will sign the e-petition?

And then what are the types of platforms that people use? There are various forms of online petitions. Which of those are approved and are valid, and how is that determination made by the government?

**The Deputy Clerk (Mr. Todd Decker):** Petitioners will be required to use a template that will be provided on their website. It's a form that's filled in. Information is provided, and it must conform with what's required by the House of Commons. It can't be just an ad hoc approach to it. It must be that form.

**The Clerk of the Assembly (Ms. Deborah Deller):** You'll see as we go through the presentation, Mr. Singh, that we've identified a couple of options with respect to how that process might unfold. Different jurisdictions use different options.

1310

**Mr. Jagmeet Singh:** That's it. Thank you very much.

**The Chair (Mr. Toby Barrett):** Thank you. Randy, I had you up next.

**Mr. Randy Hillier:** Yes. Are you going to continue on with the presentations that you've done to the assembly in the past, for the benefit of the people who haven't heard it previously?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. For those of you who have, I'm sorry. You'll have to suffer through it.

**Mr. Randy Hillier:** Okay. I will hold my questions, then, until you finish your presentation.

**The Chair (Mr. Toby Barrett):** Thank you. I'll go to Kathryn, please.

**Mrs. Kathryn McGarry:** Thank you. I just had a quick question, just to clarify the initial start-up cost for the other system we were talking about, the £188,000. Was that the software itself, the actual IT support, as well as any licensing agreement that would have to go through?

**The Deputy Clerk (Mr. Todd Decker):** Correct. It's all related to the technology that would be required to bring it in-house, and then an estimated £115,000 ongoing yearly, for the technology, software licensing and all those sorts of things, and then a staff component.

**The Clerk of the Assembly (Ms. Deborah Deller):** You can put that into some perspective more locally, too. The House of Commons, in its consideration of going the route of e-petitions, has an estimate of \$200,000 for start-up costs; that is, to get the process in place. Then they have calculated 20% of that annualized in terms of staff and maintenance costs ever after.

**Mrs. Kathryn McGarry:** Okay.

**Mr. Randy Hillier:** That was £200,000?

**The Clerk of the Assembly (Ms. Deborah Deller):** No, it's \$100,000 to \$200,000 in Canadian dollars. That's the House of Commons estimate.

**Mr. Steve Clark:** Just a question, through you to the two Clerks: On page 11 it talked about the most recent UK meeting. They had four recommendations, I believe. Did they adopt all four of those recommendations into their announcement today?

**The Clerk of the Assembly (Ms. Deborah Deller):** In some form.

**Mr. Steve Clark:** So the box to let your MP know that you signed the petition was included in their decision?

**The Deputy Clerk (Mr. Todd Decker):** It's discussed in the report. The standing order amendments that were adopted by the House yesterday don't specifically mandate that, but the petitions committee, once it gets constituted, will likely make those kinds of decisions and rules.

**Mr. Steve Clark:** So really, they did recommendation number 1, which would be to establish the committee, and then the other recommendations—in terms of the threshold, letting your MP know or the reports—would be dealt with by the committee.



**The Deputy Clerk (Mr. Todd Decker):** Right. They made the decision not to require the sponsorship of an MP for any petition, so it's independent of any—

**Mr. Steve Clark:** Yes.

**The Deputy Clerk (Mr. Todd Decker):** But they had a discussion about how it was that they could keep all members, specifically the member whose riding that petition might most specifically relate to or where the largest number of constituents have signed on—so they were looking at ways to map that within their system, so that they could produce reports to the House of Commons and to individual members.

**Mr. Steve Clark:** Okay. Thank you.

**The Chair (Mr. Toby Barrett):** Thanks, Todd. To Chris.

**Mr. Chris Ballard:** I missed a comment at the beginning. I think you just covered it off in terms of how a petition gets set up. It's not sponsored by an MPP, but by an individual or an organization outside of—

**The Deputy Clerk (Mr. Todd Decker):** Correct.

**Mr. Chris Ballard:** Okay, good. Thank you.

**The Chair (Mr. Toby Barrett):** Thank you, Todd. Deb?

**The Clerk of the Assembly (Ms. Deborah Deller):** All of you have received, I think, this paper that was done up by our Table Research Office with respect to e-petitions. I'm not going to walk you through the whole paper. I think there are a couple of things we'll talk about, but just before we do that, for those of you who are maybe new to this game: I think that any e-petition process that you might agree to probably should mirror as closely as possible the current paper petition process. If I could just explain a little bit about what those paper petition rules are there for, then I think that kind of puts into some sort of context any discussions you have in the future about e-petitions.

Specifically, paper petitions currently are required to be addressed to the Legislative Assembly; I think it's pretty obvious why we want that to be the case. The notion is that it has to be something that is addressed to Parliament, not to the government of Ontario or to the opposition or something like that.

In addition, we require that the prayer, or the text of the petition, appear on every single page. The reason for that is that the House wants to be assured that people who sign the petition know what they're signing, that somebody hasn't put a cover page on a list of signatures and said, "Here, sign this. This is what I'm asking you to sign," then ripped the cover page off, put a different one on and presented that to the House as if it has been signed by those 350 people.

We also ask for original signatures. The specific reason for that is so that we can be assured that we're not receiving the same petition signed by the same people, over and over again. We might be, but in the paper petition world, it's difficult to do. We make sure that we are looking at original signatures and not photocopies, so that someone isn't just sitting at the local Staples on their

photocopier and handing members copies of the exact same petition, signed by the exact same people.

In addition to that, we ask for addresses. The reason for that is to have some assurance, at least, that the people who signed the petition are, in fact, residents of the province of Ontario. Specifically, the reason for that is that lawmakers presumably don't want to be influenced unnecessarily by opinions from outside of the jurisdiction that they make laws for. The critical issue is what the people inside this province think on any particular issue.

Those are specifically the reasons behind the rules that exist for paper petitions. I know that sometimes they can be a nuisance for the members, but like most of the rules—I will say not all, but most—that govern the House procedures, there is a pretty good reason for them being there in the first place.

I'm going to just have Trevor distribute. In the document that you got, you'll note that there were two basic options that we presented in terms of the way you might go for the process of e-petitions. I think maybe one of the issues previously whenever we've presented this is that it's a little bit difficult when you read through them to understand what the process means. So we've just done up a flow chart that I hope more easily explains what we mean by the two different options that we have.

Basically the two options are an online form or a downloadable template, which is something that Todd just referred to. The online form is something that most people who sign petitions or sign any kind of document currently online are used to. It's the one where, basically, you go on, you say, "Oh, yes, I agree with that," and you click a button and now you've become a signatory to that.

The downloadable template is different. It has a button that allows a petitioner to click and create a petition, and then they have to download the petition form. In either case, the petitioner is invited to register as a user or to sign in with a username and a password.

In the online form, the petitioner enters the title of the petition and then will click "continue." If there are other petitions already up that deal with the same issue, then those are displayed. In that case, the proponent of the petition may decide to just add his or her name, or if there isn't one, the petitioner then might decide to proceed with a new petition.

In the case of the online form, the petitioner enters the details of the petition and then clicks on a box that says "submit." Then it comes to the Legislative Assembly. The petitioner will receive an automatic reply; you've all seen them when you've done that. The assembly staff will review that petition and make sure it's in order. They may actually make sure there isn't another petition that's identical already. It could be deemed out of order, in which case we'd let the petitioner know why it's not in order, or it might be deemed in order and go through the process and be put on the website for signing.

The downloadable form—the petitioner fills out the form electronically and then can either send it to the



Legislative Assembly by mail or email. Really, the difference between the two is that in that case, the petition is actually posted online by assembly staff at some point later, once it's determined that it's in order.

There aren't huge differences between the two. Certainly option two, which is the downloadable form, is, from an administrative point of view, the easier one to manage. Option one, the online form, on the other hand, is the one that I think particularly young people are more familiar with. It's certainly easier from the petitioner's point of view to submit that kind of a form. But there are pros and cons, and those are outlined in the paper, to both of the options.

1320

There are a number of things that you have to consider. One of the things that we've just talked about are the technical considerations. Either option that's chosen requires the development and installation of the electronic—what's the word I'm looking for?

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** Platform, and it's going to require some significant amount of time and resources, certainly at the outset and potentially farther as we go down in terms of staffing resources and technical resources.

Part of the reason for the increase in staffing resources potentially is that, currently, petitions—it's 15 minutes in the day. We receive from you the petitions that you receive in hard copy. We review them—it doesn't take very much time—and put a stamp that certifies that it's an in-order petition and can be presented in the House. None of that takes very much time. What we would be converting to, though, is a 24/7 operation now with what we anticipate to be quite an increase in volume of petitions, because once you make something that much easier, then more people will make use of it.

The other thing that has to be considered is the validation of signatures. What you want to make sure of is that you're looking at 350 different signatures and not 350 signatures generated electronically from the same computer. So it is one of the things that you do have to be careful of. That can be managed to some extent by some kind of basic email confirmation system, like CAPTCHA. That's when you go on Ticketmaster and you buy tickets; you'll know that they ask you to copy the letters that you see in a little box and then press the submit button. The reason they do that is to make sure you're not some computer somewhere that's automatically buying up all the tickets to the Rolling Stones when they come available. What CAPTCHA does is basically makes sure there's a live person at the other end of the computer.

Some consideration ought to be given, too, to monitoring IP addresses. That has the effect of blocking multiple signatories from the same IP address so that you can be assured that you've got one person signing once and not one person signing 3,500 times. The problem with that is, it could block legitimate signatures. If I'm signing a petition from my computer and my husband wants to sign

that same petition, then potentially one of us is going to be blocked, depending on what the threshold is.

On the other hand, it also identifies out-of-province signatures, and you want to be careful about that, too, because for the same reason that we mentioned before, you don't want to develop public policy for the province of Ontario based on what people in Sydney, Australia, are sending you.

I mentioned very briefly that in the jurisdictions that have gone the route of e-petitions, I think what they have learned is that as much of the process as they can have mirror the current paper petition process, the better. The changes in the standing orders are limited then. There are processes already in place that you don't have to change. So being careful to sort of say, "Well, we already do it this way, so there's some merit in continuing to do at least that part of it the same way," probably warrants some consideration.

You'll have to give some consideration to the level of detail that's collected about both the signatories and the proponent of the petition. Typically, what is requested is name, address and email—potentially more information, sometimes phone numbers. There are obviously some privacy concerns, and the privacy concerns are twofold. One is, does that information in its entirety appear on the website? Currently, the information is located on the paper petition that we get, but it resides in our House documents office. Everybody has access to it who wants it, but you have to come in and take a look at it, so it's not something that's there for people who are browsing the Web to find, or for somebody to google somebody's name and all of a sudden have it pop up on a petition. It's much more public, so some consideration has to be given to how much information you want to collect and how much actually appears on the website.

The other issue with respect to privacy is the potential for data mining—probably, in this environment particularly, by political parties but also by others. I think that it probably impacts the system negatively if in fact the petitioners are subject to data mining by anyone—in other words, the generation of a list that's then used for telemarketing or other reasons that people want lists of contact information.

The other thing that you need to give some consideration to is the length of time the petition appears on the website. There are two areas there: One is, once a petition is accepted and appears on the website and is available for people to sign off on, when does it end? You presumably don't want the petition to stay there forever—so some reasonable length of time. Some other jurisdictions have a shorter period of time. Some of them have two or three months, some a few weeks. I think it really depends on what you're comfortable with.

The other question of how long something remains on the website is with respect to once the petition is closed. In other words, once we're no longer allowing anybody to sign on to it, does it remain on there as an information piece for some time after that? Do we archive them so



people can search past petitions? If we do archive them, how long do we make those available?

There are some other issues. English and French: Currently, obviously, the petitions can be presented in either/or. We don't expect some members of the public to provide their petitions in both official languages. However, the information that we have up on the assembly's website is in both official languages, and we follow the French Language Services Act for that purpose, so some consideration would have to be given to whether or not there's a reason to translate any petitions that might appear on the website.

How do you deal with multiple petitions on the same subject? You've probably noticed that we cluster them currently, so if you stand up on successive days and present the same petition, it actually goes into the one petition file on that subject when it gets to House documents. You probably want to give some consideration to how you manage that, so that on the website, you don't have multiple petitions that are on the same or a similar subject. Then if you're going to make a decision that there shouldn't be multiple petitions on the same or a similar subject, the question becomes, how do you determine what is the same or similar?

Then, I think, probably it's worth taking a look at follow-up procedures. Many of the jurisdictions that have gone the route of e-petitions have now also added a whole other dimension to the petitions procedure. As you just heard from Todd, for example, in the UK, that often means that when a petition reaches a certain threshold—that may mean the number of signatures; it may mean the number of members that have signed on as sponsors to it—it could be sent out to a petitions committee. The committee may decide that this is something that bears further consideration, and then there is a process to determine how to proceed with that. While it's not a requirement, obviously, of an e-petition process, it is something that may be worth taking a look at, to see if there's something that's value-added to the e-petition process in terms of public consultation.

I think the only other thing I was going to talk about was about cost level. There are costs. We've already discussed those. I really won't go into more detail about them except to say that is something that has to be taken into consideration.

1330

If we have an indication of the direction the committee or the House might want to go in, then that enables us to put together a more accurate cost analysis. That's kind of the Reader's Digest version of the same old presentation, but we're happy to answer whatever questions you might have.

**The Chair (Mr. Toby Barrett):** Questions or comments? Yes, Eleanor?

**Ms. Eleanor McMahon:** Thank you, Mr. Chair. Thank you very much. It's always nice to see you, Madam Clerk.

A couple of things: I would assume and hope that if we go in this direction the concerns about data mining

would be somewhat mitigated by the federal legislation that was just passed that governs that area. So anything that we did would be compliant, I'm sure, with that federal legislation.

**The Clerk of the Assembly (Ms. Deborah Deller):** One other way you can mitigate the data mining is that some jurisdictions don't post all of the information. Some jurisdictions will only post the name and some actually only post the numbers.

**Ms. Eleanor McMahon:** Oh, interesting. Well, I think these are all such excellent points. I just thought I'd raise, for thought and consideration, change.org. It's a website that routinely—now, I know it's not legislative and I know it's not the same, but they have a pretty good way of taking people's information and giving you the confidence that no one else is going to see it. They're pretty clear about that. I just flag that as a possible example that we could look to in terms of safeguarding people's privacy. They probably have some information, too, relative to how long they keep information on their website as well. I just toss that out as a possibility to consider.

**The Deputy Clerk (Mr. Todd Decker):** When Joanne prepared this document last November, there was reference in it to change.org and the platform they have. Joanne comments approvingly, I think, of the system that they have and using it as a possible model for a potential system in our House.

**The Clerk of the Assembly (Ms. Deborah Deller):** And I should be clear: I don't mention those things as obstacles. What I am doing, though, is saying that these are things that have to be considered if we go down the road of e-petitions.

**The Chair (Mr. Toby Barrett):** Yes, Randy?

**Mr. Randy Hillier:** Thank you, Chair. Thanks for the Reader's Digest version. It's much appreciated.

Listen, I pose the question to either or both of you. I just want to explore a little bit more. We all know how we do petitions today—you know, all the members. We all know what the process is for ourselves to do them and how they're presented in the House, but we don't really see what happens once they land on the order table. Right?

**The Clerk of the Assembly (Ms. Deborah Deller):** Well, we could tell you, but then—

*Laughter.*

**Mr. Randy Hillier:** Well, you know, we can all see—it's evident that the text of the petitions should be addressed to the assembly and that the text is in order and is consistent with the standing orders and with the jurisdiction of the assembly as well.

There are two things I want to focus in on: original text or original signatures, and addresses and residents of Ontario. What do you do at the present time to verify that it's an original signature and that they are a resident of Ontario?

**The Clerk of the Assembly (Ms. Deborah Deller):** By original signature, what we mean is it's not a copy.

**Mr. Randy Hillier:** Not a copy.



**The Clerk of the Assembly (Ms. Deborah Deller):** What we do is—you noticed us doing that?

**Mr. Randy Hillier:** Yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** It's because we can feel the signature on the back of the paper, but if it's a copy we can't.

**Mr. Randy Hillier:** Right, okay. Is there anything to see if the same individual has signed the petition more than once?

**The Clerk of the Assembly (Ms. Deborah Deller):** No, because currently there's no—

**Mr. Randy Hillier:** No mechanism.

**The Clerk of the Assembly (Ms. Deborah Deller):** No. The safeguard against that is the fact that it's an original signature itself.

**Mr. Randy Hillier:** Sure, yes. Somebody would have to physically—

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, sign it multiple times. If somebody was signing it that many times, we'd pick it up.

**Mr. Randy Hillier:** Yes. And the other thing is to verify that that individual who has signed it is indeed a resident and it's a viable and real address.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes.

**Mr. Randy Hillier:** What is done to verify that, or anything?

**The Clerk of the Assembly (Ms. Deborah Deller):** We don't employ any investigatory powers to make sure that that person actually lives at that residence. We take it at face value that the signatory is, in fact, somebody who is living at that address.

**Mr. Randy Hillier:** Right, so there's a level of—

**The Clerk of the Assembly (Ms. Deborah Deller):** Our concern is more that the address is, in fact, an Ontario address.

**Mr. Randy Hillier:** Right, but do you verify if that address is an Ontario address?

**The Clerk of the Assembly (Ms. Deborah Deller):** Only because it says that.

**The Deputy Clerk (Mr. Todd Decker):** It's an honour system.

**Mr. Randy Hillier:** But if somebody said, "RR 5, Tatlock," and you didn't know if Tatlock was part of Ontario or not, nobody goes and takes a look through the place names of Ontario to see if there is a Tatlock, or if there is an RR 5, for that matter.

**The Clerk of the Assembly (Ms. Deborah Deller):** Correct.

**Mr. Randy Hillier:** Okay, I just want to make sure that e-petitions have similar safeguards to what we have today. There seems to be an awful lot of concern in the briefs about the verification process, which is not present today in paper petitions. Through all the briefs, a lot of people have spent a lot of time looking at that verification and ensuring that there is a high level of verification within the electronic process, which isn't available in the paper process.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes, and I think you'll find that every jurisdiction that is currently considering e-petitions or has gone down the road of e-petitions has had that same level of concern, because it's easier to electronically sign or send a petition from out of the province than it is to do that with a paper petition—

**Mr. Randy Hillier:** Sure, absolutely.

**The Clerk of the Assembly (Ms. Deborah Deller):**—and the volume would be that much greater.

**Mr. Randy Hillier:** Yes. I think one of the other things—and this is where we have to split up the discussion—is also the difference between the process of petitions and the outcomes of petitions. They're very distinct. So we'll just follow through on that.

Once that petition lands on the table—correct me if I'm wrong—the only outcome of that now is that the first petition on that subject gets responded to by the government of the day. If there are similar or like-minded petitions, or the same petition is introduced on multiple occasions—whatever the case may be—the only outcome is that there is a response, not any other tangible action.

**The Deputy Clerk (Mr. Todd Decker):** Each member who presents it. So, if Mr. Clark presented a petition today and you present the same one tomorrow, he will get his response within 24 days, but you will also get—every member who presents the same petition will separately get a response.

**Mr. Randy Hillier:** It'll be the same response.

**The Clerk of the Assembly (Ms. Deborah Deller):** But your specific question is whether the only outcome is a response and not any kind of action.

**Mr. Randy Hillier:** Yes.

**The Clerk of the Assembly (Ms. Deborah Deller):** I guess I would say that's probably something that could be the subject of further debate, because I have been here long enough to have seen petitions have an impact on policy, and specifically because of the numbers. So, a large volume of petitioners have had a member submit petitions to the House, and as a result of that, there has been a decision made to alter public policy.

I think one of the best examples of that was the elimination of the spring bear hunt, which was, from where I sat, a direct result of a large volume of petitions being presented to the House. So I think it's arguable that while the only outcome of petitions is that formal response from the government, in fact there are outcomes that are directly related to public policy, depending on the nature of the petition and the size of it.

**Mr. Randy Hillier:** I would agree 100%. There's nothing in our standing orders that compels any action, other than a response; we don't have a petitions committee or anything else. But the real value of a petition is to demonstrate public interest in the subject, to encourage the government to take action on that concern. Of course, one of the reasons why we're here is that electronic petitions would facilitate that, or we certainly expect that it would be more convenient for public interest to be conveyed to the assembly.



1340

But I just wanted to keep it separate. There is that process, and there is also possibly a discussion for outcomes. We may change what we do with those petitions. But at the present time, the process, I think we can all agree—I think nobody will disagree that the process is good for the outcomes that are required. There is no other petitions committee or anything else.

Maybe I'll leave it at that for the time being. Maybe I will ask the government side: Is there an interest by the government in exploring a difference in outcomes from petitions? Is there any appetite at all for having a petitions committee, or some other tangible, concrete action to be—an obligation that the government wants a certain threshold for petitions to have met?

**The Chair (Mr. Toby Barrett):** I'm not sure who speaks for the government. There's not a parliamentary assistant—

**Mr. Bas Balkissoon:** If you allow it, Mr. Chair, I would give it a straight statement.

**The Chair (Mr. Toby Barrett):** Certainly.

**Mr. Bas Balkissoon:** We have had no discussions, and we would have to take it back.

**Mr. Randy Hillier:** Okay, sure.

**The Chair (Mr. Toby Barrett):** I'd like to go to Kathryn.

**Mrs. Kathryn McGarry:** Thank you, Chair. I just had a quick question regarding e-petitions. I know that in the US, for instance, there needs to be a minimum number of signatures before it's considered to be taken forward by the House. Are there other jurisdictions that propose a minimum requirement for e-petitions to be eligible to be tabled in the House?

**The Clerk of the Assembly (Ms. Deborah Deller):** To be posted, or a requirement to just present it in the House?

**Mrs. Kathryn McGarry:** To be presented in the House.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think so, but I'm not—

**The Chair (Mr. Toby Barrett):** Could I ask the table researcher for a brief comment? Joanne?

**Ms. Joanne McNair:** Yes. Currently, the Canadian House of Commons is also considering e-petitions. Procedure and house affairs is looking into it. It's based on a motion put forward by an NDP backbencher.

Currently, a paper petition in the Canadian House of Commons requires 25 signatures to be tabled. For the e-petitions, he's proposing a threshold of 1,000 signatures for the petition just to be tabled in the House.

I think it's either Wales or Scotland—I forget which one; I'm sorry. One of them requires at least three signatures; I think it's Wales. The UK House of Commons—we've heard they're going to require six signatures before it goes live on the site. So, yes, there are some that put thresholds in for it.

The White House one, I think, requires three signatures, or five, before it appears live on the site. The person who starts it gets the link to it, but it's up to them

to get five other signatures before it shows up to anybody else who goes to the website.

**Mrs. Kathryn McGarry:** Thank you.

**The Clerk of the Assembly (Ms. Deborah Deller):** There are two different types of thresholds too. One is a threshold to just get the petition up on the site. Then, in some jurisdictions, there is a different threshold that applies to moving the petition further along the process, once it's been presented.

But also, in keeping with the notion of trying to align the e-petition process as closely as possible with the paper petition process, it's important to note that in Ontario, the threshold is one.

**Mrs. Kathryn McGarry:** Thank you.

**Mr. Chris Ballard:** Just one?

**The Clerk of the Assembly (Ms. Deborah Deller):** You only need one signature for it to be considered a petition.

**Mr. Randy Hillier:** One of the smallest ones was Dalton McGuinty Sr.'s petition with nine signatures on it, years ago.

**The Clerk of the Assembly (Ms. Deborah Deller):** We've had smaller.

**Mr. Randy Hillier:** Yes, but that was a small one.

**The Deputy Clerk (Mr. Todd Decker):** One of the biggest was mounted by a large beer company, and it resulted in us having Family Day as a statutory holiday. You might remember that. They put them in beer cases.

**The Chair (Mr. Toby Barrett):** Did I see a question from Chris? No?

**Mr. Chris Ballard:** I guess what I'm trying to wrap my mind around is—I first wanted to say that it's a great research paper. I will have to confess that I really didn't get a chance to start going through it until today, for a couple of reasons, both of them technical. It went to an account that had it sitting for me in my community office but not here. So I haven't had a chance to really go through it, but there's a lot of good information in it. If I ask questions that are answered in here, I apologize.

I'm concerned about the verifying of signatures. On the paper signatures now, we just check to see if it's Ontario or an Ontario community. There are a number of electronic means that you've mentioned, whether we're monitoring IP addresses or we're using some sort of—what's it called? CAPTCHA, right? It's CAPTCHA. I should know that one; I use it often enough—to make sure that it's a not a robotic signatory program hammering away.

I'm both excited and concerned. This can be a very powerful tool and I want to make sure that it's representative of what people are thinking and want to see move ahead, that it's not a process by which a very, very, very vocal minority can move government policy ahead.

Verifying signatures: Are there any jurisdictions that you're aware of where there is some type of audit process whereby when a petition gets to a certain process someone says, "There's a thousand people on this petition and we're somehow going to verify 10% of them or 1% of them, just so that we're absolutely sure"—maybe not at



the very beginning, but at a process; maybe if there's a committee and that committee says, "Okay, we're interested in moving this onto the table. We have to make sure that we can put the stamp on this and be comfortable that the process was followed."

**The Clerk of the Assembly (Ms. Deborah Deller):** So what you're talking about is making sure that the signature is a real person?

**Mr. Chris Ballard:** That the signature on the petition is a real person. I could think that people would have to submit their email addresses, so maybe we verify the email address by sending them out an email saying, "You've recently submitted to this petition. Click here." So if someone is signing up for me, I get an email and I say, "What the heck is this?" Or I say, "Yes, I signed that." I'm just nervous. This will become a very powerful tool and I want to make sure it's not hijacked.

**The Clerk of the Assembly (Ms. Deborah Deller):** I think some jurisdictions take extra care with respect to determining that the proponent, the initial petitioner, is a real—

**Mr. Chris Ballard:** —is a real person.

**The Clerk of the Assembly (Ms. Deborah Deller):** —person. Some of them require that person to fill out a longer form than the signatories. I don't know of any jurisdiction that—although Scotland might have experimented with it—that actually take a look to try and verify—

**Mr. Chris Ballard:** I don't expect staff to be sitting on the phone calling a thousand people to say, "Are you real?" But again, it just comes back to that I'm excited, because potentially this is a very powerful, positive tool for democracy and inclusiveness. I just want to make sure that if we're going to treat petitions in future differently, that if they are given more weight in future, we're absolutely sure that the people signing it legitimately have a right to sign it.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. I think you're right. You're right to be excited and you're right to be cautious, because I think that it is a powerful tool. But the credibility of its power depends on how carefully it's structured and how carefully it's monitored, in terms of making sure that you aren't receiving petitions that are automatically generated. Even CAPTCHA now I think is called into question in terms of an actual tool that works 100% in terms of ensuring that you're not getting automatically generated signatures.

**Mr. Chris Ballard:** Now it's words and an image.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. So you're absolutely right. I think if there's a decision to go down this road, you want to make sure that you're very, very careful about how you do it.

1350

**Mr. Chris Ballard:** Yes. Thanks.

**The Chair (Mr. Toby Barrett):** We have a comment from research on that point.

**Ms. Joanne McNair:** In Scotland, I believe it is, before you can create a petition or sign a petition, you have to create an account on their site, and to create the

account you have to provide an actual physical address in Scotland, just to log in. Once you're in the system, then you can participate in it. Of course, if you have an uncle who lives in Scotland, you could just put their address in. There's always going to be a certain degree of faith in there, but there are ways.

In Quebec, they have software called Gestion des signataires, which apparently will scan all the people who have signed it. It looks for certain things like duplicate names or names that look suspicious, like if someone signs it "Mickey Mouse." There are other criteria it will highlight, and staff can then look at those more closely to see if there's something there that might potentially be out of order. There are things that exist that can help cut down on fraud in that sense.

**Mr. Chris Ballard:** Thank you.

**The Chair (Mr. Toby Barrett):** Randy, then Bas.

**Mr. Randy Hillier:** Yes. I just wanted to add to the conversation here. Again, we're talking about the audit process, safeguards and verification. I remember a few years back—I think it was 2010 or 2009; somewhere around there—when the government of the day proposed a bill that would restrict the number of people under the age of 21 from being in a vehicle at any time. There was a huge public outcry, a significant number of petitions, mostly—I would say just about exclusively—done by third-party outfits. But the outcry was evident and apparent. There was no auditing process, no verification process and no requirement by the government to act, but it was clear that the public were not in favour of that policy, and the government altered that bill and removed that restriction.

We have been doing petitions in many different fashions since the beginning of responsible government—

**The Clerk of the Assembly (Ms. Deborah Deller):** It is the beginning of responsible government.

**Mr. Randy Hillier:** It is. That's right.

**The Clerk of the Assembly (Ms. Deborah Deller):** That's how it started.

**Mr. Randy Hillier:** That's how it started. Although I enjoy reading history, I haven't read everything about every history, but I can't think of an example—especially in Ontario, Canada or in our modern history—of a petition being abused, other than some of these joke petitions to build a Death Star or something.

What my comment there is, is that we need to keep cognizant of just what our experience is with petitions. They are a way for people to express their view on a subject of public policy. It is not a demand or a requirement in any fashion for the government to act. The government ought to, and I think that history has shown this to be truthful. They look at the whole context of a petition—where it came from, where it was originated, how many people were involved and what is the injury or the injustice that is trying to be remedied by the petition—and then make a determination.

My view of this whole electronic petition discussion is, how do we facilitate it? How do we use technology to



continue with this long, historic tradition of responsible government to allow people to express their views, while the government retains its jurisdictions and its responsibilities and will act in a manner that is consistent with their views?

**The Chair (Mr. Toby Barrett):** Yes, Bas?

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. Madam Clerk, if we're looking at the paper petitions that we have today and to replicate it with technology, I don't have a problem with that significantly, but I do have some concerns if somehow out of this process we get a movement towards making petitions have a little bit more clout than what they do today. If we go that route, then, to me, the signatures or the people who have signed an online petition—there needs to be some verification.

I'll tell you why I'm concerned. If you remember when Twitter and Facebook first appeared on the scene, people got attracted to them and then all of a sudden they could organize a storm in a particular location with a couple of hundred or thousands of people in no time and give that particular incident power. You could do the same with petitions.

You need to start thinking in terms of what tools we can look at to verify the folks who are getting online and creating these petitions, but more so the people who are attaching their names to them. I can think of several tools that are available to us, but it'll be costly. We effectively own Teranet, which has all the land addresses in the province of Ontario. So if I was to sign a petition online, at least you could verify the address I gave is one that is correct. There are other tools that you verify that a person with that last name lives at that address, but you will have to buy it.

It's the same with the telephone numbers. If somebody gives you a telephone number, there are many databases you could buy out there today that verify that that phone number belongs to this person, but I think we would need somebody to do that research and come back to us. My concern is if the petitions are going to get moved from what they are today, to give a little bit more concern or awareness or whatever to the Legislature as a whole, how would that relate to me as a member of an area that has a pressing issue in my own area and my private member's bill dies when a petition gets to the front of the line? A huge concern of mine in that regard is where do you find the equity in the system?

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. To be clear, just because you've implemented an e-petition process does not necessarily mean that you also have to add any kind of a follow-up additional procedure—

**Mr. Bas Balkissoon:** But I think there will be people here pushing for it.

**The Clerk of the Assembly (Ms. Deborah Deller):** And that may be true, but they can be dealt with separately. Just because you do the one does not necessarily lead to doing the other. I think that's one thing—

**Mr. Bas Balkissoon:** No, but I think we need to raise the red flags, that before you go over from step 1 to step

2, here are all the risks or here are all the factors and concerns that the whole Legislature has to—

**The Clerk of the Assembly (Ms. Deborah Deller):** Sure. I think it's important to know exactly what it is you're—

**Mr. Bas Balkissoon:** I raise that because it does bother me. Today, the petition that is handwritten or typed—it does take some effort to go around and ask somebody to sign this and explain to them what you're doing. When you put it online, there's no face-to-face contact. It'll all be Twitter, Facebook and all these other things, and people are signing it based on their own interpretation, and it could be misleading.

**The Chair (Mr. Toby Barrett):** I'll go to Jagmeet, please.

**Mr. Jagmeet Singh:** Thank you very much. I've got to sit down here. It's the opposite of—

*Interjection.*

**Mr. Jagmeet Singh:** It's the opposite of a problem, isn't it?

I guess there are a couple of issues. One issue is, this is the future. People are more and more engaged online and creating movements online for the benefit of democracy. It's already happening and we're falling behind. We're not able to engage people who are already doing this as a way to talk about issues, to raise awareness about issues. People are already using online petitions regularly. It's a way to create movements. It's already happening.

There are two issues that come up that I think we really need to look at. One is to Mr. Hillier's point. I think it's very valid. A lot of the safeguards we're talking about for online petitions we don't do when it comes to written petitions. It's a fair question; right? We're not verifying names. We're not verifying addresses. We're not verifying any of that stuff. We're just taking it on people's word. So Mr. Hillier's point is pretty valid in the sense that we've been using this system so far and we haven't done any of the verification. We're not verifying signatures. Arguably, someone could make a petition up, change their signature, put in addresses and submit one with hundreds of signatures on it, but it would be one person. That could, in our current system, actually happen. We have to think: Why are we applying a different standard to electronic petitions?

1400

There is a reason that I think the different standard can apply—and this is the part I think it's important to think about. I don't want to put words in Mr. Ballard's mouth, but in terms of the weight we give to the petition, I think that's the question: the weight we give to the petition in terms of informing us, not necessarily Mr. Balkissoon's concern about the next step. I think those are two separate matters altogether. They're absolutely separate. We can decide to make petitions have a next step or not; that's separate. But the weight we as parliamentarians give to a petition—if I see a petition that has 10,000 signatures and I hear that, I'm going to assume that that's an issue that's big. But what if those 10,000 signatures



were a result of someone writing a very elaborate, very slick computer program that was able to generate that many signatures? It gives me a false sense of the climate of the problem; it gives me a false sense of what's going on in the province—not because there's going to be some sort of next step with the petition, not because there's going to be some sort of weighing that this petition is now going to take precedence over a private member's bill, not because of that, but just as a parliamentarian who wants to know: What's the pulse of the community? What's going on? Is this an issue that's important or not? For that reason, perhaps having some form a bit more robust than otherwise—because it's a lot easier to write a program and to get a lot of petitions signed than it is to physically do it by hand. The amount of hours it would take you to write down 10,000 signatures versus—I was in computer science in undergrad, and I had friends who could write a program that could do that easily.

**Mr. Chris Ballard:** Virtually anything.

**Mr. Jagmeet Singh:** Yes, it wouldn't be a problem. I didn't get that far in computer science so I probably couldn't do it, but anyway, I know folks who could do that pretty easily. They could have a petition, have it populated with signatures and give the impression that there are a number.

That's where Madam Clerk talked about the idea of what we already use when we sign to prevent people from mass-signing up to a website and overloading it, and you have to identify that you're not a robot; you're a human, and requiring you to see things that a computer otherwise couldn't scan or pick up. That's a great way to identify that it's at least a person. If a person wanted to click through 1,000 times and do that, that's something that Madam Clerk did bring up as a concern. That could happen.

I guess that's a bit of the debate: We want to have an accurate gauge of how much this petition is actually informing us about the sentiment of what's going on in the province, and to know that that's something that's a big deal or a small deal or a pressing issue or not. It's for that reason, not because we don't trust people per se, but because we want to be able to gauge how accurate this information is so that we can be informed by it, however we are. I think that's why it is.

My final concern is that I'm very, very aware of the growing trend and concern with privacy and security online. I think it goes without saying that privacy and security go hand in hand with freedom of thought and freedom of expression. There is a concern around how much we rely on or require identification and how much that would infringe certain privacy concerns, which arguably would go against the whole purpose of a petition, which is to encourage democracy. If you are, in some way, decreasing a sense of privacy and security, that might actually work contrary to our initial goal, which is to promote democracy. That's another thing, just to confuse us further.

Those are my thoughts.

**The Chair (Mr. Toby Barrett):** We'll go to Steve, please.

**Mr. Steve Clark:** Thanks very much, Chair. I got elected in March 2010. There was a parallel between two provinces, Ontario and BC, on implementing the HST. There was a tremendous amount of people whom I found—and listen, I worked for my predecessor for a few years as well, and I saw a big change in 2010 when it came to electronic petitions. There were thousands and thousands of people who signed an electronic petition or multiple electronic petitions because they were swirling around people's email inboxes. There was an expectation that these petitions were going to have the same strength and effect as what was going on in British Columbia. Obviously, we all know that we have two different sets of legislation, but I think 2010 was the watershed moment when people became engaged in electronic petitions.

Now, Bas and I are old municipal politicians. I remember when the fax machine was a revolutionary piece of equipment when it came to communicating to a city council or a township council.

**Ms. Eleanor McMahon:** Careful; you're dating yourself.

**Mr. Steve Clark:** I am dating myself, but I'm trying to make a point that technology changes and the electorate changes. I was an MPP when that issue came with those young people, and I had a tremendous amount of engagement by young people via electronic means.

Mr. Hillier and I both have electronic petitions on our website. I haven't experienced any abuse whatsoever in terms of that connection. In terms of the cost, other than increasing the bandwidth the first time I did an electronic petition—and my website crashed multiple times that night—I've had no issues since then. So, yes, there are some costs, but I don't believe they're insurmountable.

What's happening now is that technology is passing us as legislators. I had a constituent who went out on her own, went on the legislative website, crafted a petition that, to me, met the rules if she decided it would be a valid paper petition. She went out, put it up on an electronic site, got 25,000 or 30,000 petitions, sent me the link and expected me, as her representative, to table it. And when I told her, "I'll print it out and you and your husband and maybe some of your neighbours can sign one so I can table it in the Legislature," she was offended. She was angry that what she had done was not good enough.

I think that Mr. Hillier makes a valid point about whether we need to change the process of how we respond to petitions, how we deal with those answers. But in terms of the technology—and the clerks know my position on this—we're doing it now. Some of us are doing it now. Our party is doing it now. The PC Party is doing electronic petitions and we haven't experienced this sense of fraud in the system right now. My view is that with a paper petition in my office—and you can walk into my office and see everything from soup to nuts on the petition table. I have had the same experience



when it comes to electronic petitions. There isn't that, at least with my constituents.

In terms of my Kemptville college petition, obviously it had people from all over the province in the agricultural community expressing concern. The day we had our public meeting at Kemptville college, the students were the ones who set the 10 computers up and had people line up at the computer, enter their email address and table it. It wasn't me. I did nothing. I established it and put it on the site. But I suggest the reason that my site crashed was because of the level of engagement and knowledge of technology by those young people.

So, friends, I think we're there and we need to move forward like so many other jurisdictions do, but I don't think that cost is as big an issue as maybe some have felt. In terms of fraud or fraudulent entries, it hasn't been my experience with my electronic petitions, nor has it been with my traditional paper petitions, just for what it's worth.

**The Chair (Mr. Toby Barrett):** Yes, Eleanor.

**Ms. Eleanor McMahon:** I appreciate very much the comments from the member opposite, particularly in the context of someone who has been in public life since the fax machine came around.

**Mr. Steve Clark:** Revolutionary.

**Ms. Eleanor McMahon:** But for those of us who are new, just building on your comments, this has been a very good discussion so far. I do appreciate your time, as does everyone, I know, in terms of bringing us up to speed. Having a conversation on what's happening in other jurisdictions, best practices, the work of the research table—thank you very much, Ms. McNair, for that.

A couple of quick comments, perhaps by way of response but just reflecting on the member opposite's comments earlier: I was a vice-president at United Way in Ottawa for a number of years. One of the things that has really revolutionized the not-for-profit sector and, in particular, organizations like that, is online donations. I just had lunch with my former boss in Ottawa recently. It really has transformed the movement in Canada and worldwide, the United Way movement, in terms of how they receive donations.

One of the things that makes people give more—people in the not-for-profit sector know this—is ease of transaction. Much in the same way, ease of transaction, I think, is what's going to really facilitate something that we all want, which is encouraging democracy and encouraging people's participation.

1410

However, I do think it's wise to have a conversation about safeguards, not just because we're worried about the credibility of the system, although that's important. I think we need to send a strong message to the people who are filling out the surveys that their security will be safeguarded, that their private information will be safeguarded and that it's not going to be used by anybody for deleterious or nefarious purposes. So for the comfort level of the end-users, in order to facilitate that ease of

transaction, I think we need to have safeguards in place that really are what people expect when they're dealing with the Legislature of Ontario.

So I guess with that little footnote, I'm just underscoring that I'm enjoying this conversation and finding it enormously helpful; I appreciate your comments and just building on them. I think we need to really send the message that we care very much about people's security. I know there are ways to do that. There clearly are, so I just want to keep that in mind. Thank you.

**The Chair (Mr. Toby Barrett):** Randy, then Bas.

**Mr. Randy Hillier:** Yes. Just a couple more, as we go on with this conversation. Like my colleague, I've been doing electronic petitions for a number of years now. I have an email checkoff on them. I actually also do petitions by text on my website. I've got a checkoff on it. Everybody gets an automated response back. If that email is invalid or a corrupted email or text number, it rejects it.

I'm doing it in my office at really no cost. I already have the website and it's pretty much an automated system. I think it's got some pretty adequate safeguards in it. Then, of course, I print one off and get signatures on that hard copy and introduce that one into the House. I think all those things can be dealt with in pretty—they're certainly not insurmountable obstacles to deal with.

To Jagmeet's concern about privacy and security: I think what we have to first look at—there are people who have a much higher regard for their individual privacy and the security of their information. Those people generally don't use their Visa card and eBay and purchase things online. They may not even have a Facebook page. But there are a lot of people whose level of privacy and security is at a much lower threshold, and they're more likely to engage in electronic petitions.

There are a couple of other things here. The two models that have been presented—from my understanding, the Australian Senate uses a system that's much more akin to the system that I use presently, where people do electronic petitions and then they present a hard-copy petition to the Senate. That's on page 16 of the binder that was done up in September 2014. I see that as an effective model. It's low cost to implement or essentially no cost. We would be mirroring the same present process for the petition once it is in the member's hand and is read to the Legislature and then provided to the Clerks' table.

We've got 107 members in this House. If the petition remains within our responsibilities and our jurisdiction to table it, then we don't have to worry so much about the Death Star petitions. I don't think there are going to be too many members who are going to bring forth invalid or inappropriate—you know, we've got 107 checks on those petitions if it's left within the members' responsibilities. I really believe and I think convention and tradition demonstrate that it is the proper jurisdiction of individual members to bring that petition forward in the assembly.

I just put those thoughts out. My own view—not that it's been asked for but I'm going to share it anyway—is



that we ought not to change the outcome of a petition. I don't personally see benefit and value in compelling the government to take any further response to a petition. I do believe government, with all its failings, is still responsible, and they will make the determination based on the whole set of evidence and context in front of them if they should act on a petition or not. That's the perspective and the premise that I'm coming from.

With that view, you can see that the requirement for added security and verification beyond what we have today becomes less needed and less necessary. I'll leave it at that.

**The Clerk of the Assembly (Ms. Deborah Deller):** Can I just comment on that? The Australian Senate essentially has a paper petition process. It would be much akin to, for example, you and Mr. Clark receiving in your office the electronic petition and then having some kind of a certification or a sign-off saying that what you had, the prayer or the text of the petition, was what appears here. That's what was posted when you received the signatures. Then, you present it the same way you present a paper petition. I guess you could consider that to be option three.

I guess the only thing I think you need to consider in that respect then is: Do any of the rules that currently apply to paper petitions really also need to apply or do you simply say, "Whatever I tell you is a petition is a petition"? Then, I think you have to go further and say, "Are you then eroding the integrity of the process and the value of the petitions themselves by doing that?"

I think it is an option three. It's certainly one that this committee will have to make a decision on, if that's the road you want to go down.

**Mr. Randy Hillier:** Yes, my view on that—I guess maybe I wasn't fully clear—is that if somebody came to me with a change.org petition or some other mechanism that I had no involvement with and I had no ability to determine anything, then I would reject it out of hand anyway. So the premise was members being the authors or the partners in the petition process—that's where I'm going with it.

One other thought that I didn't finish off with was: In my time, and I think it should be obvious, it's hard enough to get people engaged in the political process in the first place, as a general statement. If I have a petition about a proposed carbon tax in Ontario, the likelihood of me getting people from Newfoundland or wherever to be engaged in the public policy process in Ontario, I think is pretty limited. Most people, in all my experience, aren't going to go onto petition sites from all kinds of other jurisdictions and append their name or whatnot to them—

**Mr. Bas Balkissoon:** I disagree with you. All you've got to do is get a search engine there and it'll do it for you, and they'll all be notified.

**The Clerk of the Assembly (Ms. Deborah Deller):** Let me ask you this, Mr. Hillier: Would the people in Alberta have an interest in signing a petition about the proposed eastern Canadian pipeline?

**Mr. Randy Hillier:** There are some examples; yes. I'm not saying it's a fail-safe. I'm just saying, as a general rule, petitions are on the public policy of this province and more often than not—

**The Clerk of the Assembly (Ms. Deborah Deller):** I think if I might, too, the one thing that I think is kind of the unsaid thing is this business of members being the authors of petitions.

1420

**Mr. Randy Hillier:** Or partners, I guess—

**The Clerk of the Assembly (Ms. Deborah Deller):** That's something that's kind of recent history. Traditionally, petitions are petitions that are generated from the public, and the members, whether they agreed with them or not, presented them to the House. But this notion that members are—and they are—authoring and generating the petitions themselves is a fairly recent phenomenon.

**The Chair (Mr. Toby Barrett):** We'll go to Bas and then Chris.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. I just wanted to go back to Mr. Clark's comment, because I'm not familiar with what you did on Kemptville college.

**Mr. Steve Clark:** It was just the same—

**Mr. Bas Balkissoon:** If it was an electronic version, I'm sitting here saying: Okay, that's fine. But it stops in your office. It doesn't come to the assembly in that form, unless you did present it to the Clerk and there is something that we're unaware of.

**Mr. Steve Clark:** No. The same petition that I tabled in the Legislature is the same petition that's available electronically. So it's available both electronically and in the traditional manner, but it has the table-approved language.

**The Clerk of the Assembly (Ms. Deborah Deller):** And original signatures. In other words—

**Mr. Bas Balkissoon:** So it was hand-signed? Or it was signed online?

**Mr. Steve Clark:** Both.

**The Clerk of the Assembly (Ms. Deborah Deller):** But what we accepted was the one with signatures.

**Mr. Steve Clark:** So when I stand up, for example, and say, "I have a petition to the Legislative Assembly of Ontario, and I have these signatures, plus another 7,000 more online," it's the same petition.

**Mr. Bas Balkissoon:** Oh, so you've only tabled a couple. You didn't table 7,000.

**Mr. Steve Clark:** No, I didn't. No. They'd reject those ones.

**Mr. Bas Balkissoon:** I have no problem with what you were doing. My concern is the next step. If we make electronic petitions out of the assembly, and the 7,000 signatures get on there, it's the effectiveness or the awareness that 7,000 signatures were raised with everyone so that we know that the data is valid, rather than—what my friend on the other side was saying was that somebody can develop a computer program and multiply it out. All you need is a database list and you could fill out that petition in no time.



**Mr. Randy Hillier:** But if there is no outcome that's a requirement, why then would they go and do that?

**Mr. Bas Balkissoon:** Well, but my fear is, if we start it, somebody will be looking for an outcome down the road, because it becomes easier to move to the next step.

**Mr. Randy Hillier:** Trust the integrity of the members.

**Mr. Bas Balkissoon:** You've got to think—I never think for tomorrow; I think 10 years down the road.

**The Chair (Mr. Toby Barrett):** We'll go to Chris, please.

**Mr. Chris Ballard:** Thank you, Mr. Chair. There has been some really good discussion around the table that has been quite thought-provoking. I'm scrambling to go through the research document and to align my own thoughts.

Years ago—and unfortunately I was around with the introduction of the fax machine. I recall that the first one cost me \$7,500.

**Mr. Bas Balkissoon:** I still have a broken one.

**Mr. Chris Ballard:** Yes, they usually did. You're going to get it fixed one day.

**Mr. Bas Balkissoon:** No, it's good for faxing out; it just won't receive.

**Mr. Chris Ballard:** Oh, okay.

There was a formula that we used to go by in the world of newspapers. If someone walked into our office to talk about an issue, to complain about an issue, they represented, we'll say, 10,000 people. So if one person walked into the office, you were pretty sure that there were about 10,000 other people because they took the time to come to you and to talk about the issue. If they wrote to you, it was about 1,000 people. If they phoned you, it was about 100 to 200 people. If they faxed you, it was about 50. Now if they email you, it's, what? I don't know. I haven't seen any research.

What I'm worried about, and I get back to the weighting of e-petitions: If it's so easy, the ease of transaction for an e-petition, if we're not verifying or whatever—I don't want to debase it. I don't want to say, "That's one in 10." That's speaking to the importance of petitions. I don't want to see them debased because they are so easy. I don't know what the answer is to that, other than perhaps what we do with petitions maybe needs to change; I'm not sure. But I always keep that in the back of my mind when someone walks into my office versus firing off an angry email.

**Interjection:** From another town.

**Mr. Chris Ballard:** From another country.

**The Chair (Mr. Toby Barrett):** Could I ask the committee—I'd like to ask a question without vacating my chair.

**Mr. Bas Balkissoon:** No, go right ahead.

**The Chair (Mr. Toby Barrett):** Okay.

**Mr. Bas Balkissoon:** Chair's prerogative.

**The Chair (Mr. Toby Barrett):** Thank you.

**Mr. Steve Clark:** If it was me, they would've disagreed.

*Interjections.*

**The Chair (Mr. Toby Barrett):** It's your prerogative.

First of all, I have four fax machines and I use them all the time, especially the one at the farm. On Saturday, it's a godsend.

**Mr. Bas Balkissoon:** I see Steve and you will become really good friends.

*Interjections.*

**The Chair (Mr. Toby Barrett):** Hey, there's an idea. I was a government MPP, and on occasion, we would have to put a big banana box at the end of the fax machine to handle what was coming in during demonstrations and what have you. We went through a lot of paper.

There were just two issues—and I know, Deb, you mentioned at the beginning that young people are more familiar with the online form. So I just raise the issue: Is that skewing it somehow or discriminating perhaps against those who are not young? Perhaps, maybe much more elderly people spend a lot of time on this, so I'm just wondering to what extent it skews the process as we move into this. I do know—and I see it on the petitions that I gather. Not all of them get sent into the table, but I look at them over the years, and even recently we ask them to fill out their mailing address and their email address.

In my riding, people will not give us their email address. It's either for security—they don't want to be on a sucker list. The word is out on these sucker lists big time, to get the unnecessary emails. They don't want to put their phone number down, so that's not a concern, but I just know there are so many people—we deal with people in our constituency offices. My offices are downtown and these are people who don't want to even fill out forms with a pen. So we help these people. They don't do the computer thing, really. So many people—I think of my rural area where they're running a bulldozer all day. They don't have an office environment where they can go on a computer. They're not really into that at home either.

I'm just wondering how, during this transition, it skews the process, perhaps discriminates against those people. The last thing they want to do is open up a computer at night after work, or the last thing they want to do is give somebody their email address.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes. I think it would be more of a concern if what we were talking about was replacing the paper petitions with an electronic petition process, but—

**The Chair (Mr. Toby Barrett):** Still have the option.

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes—and I think that probably would be something that would be ill-advised. But I think if you're talking about supplementing the paper petition process so that the folks in your constituency can still go to the corner store and see a paper petition there and sign it and it still ultimately goes through the same process of getting presented to the House and responded to, then I don't think you have put them at any kind of unfair disadvantage. They can still do what they're more comfortable doing.



I'm one of those people who doesn't give out my email address at stores or whatever when they ask for it. I think you raise a very valid point there. There are people who want to maintain some level of privacy with respect to that, and I think that's one of the reasons why my suggestion is—one of the things we have to think about is, what information are we collecting and then how are we displaying it, if at all? I think that's something that really has to be carefully considered by the committee, to maintain that level of privacy.

It may be, if you decide to go the route of e-petitions, that you decide that the only information you need is the information you currently collect on a paper petition, which is a name and an address and not email addresses.

I think the problem with that is—when I talk about authenticating signatures, I'm not talking about making sure that that's—

*Interjection.*

**The Clerk of the Assembly (Ms. Deborah Deller):** Yes—that that's a real person, but really that it's not something that's been submitted electronically. So for that reason, you need an email connection.

**The Chair (Mr. Toby Barrett):** I also felt that with the EBR registry that's been around for well over 20 years. You've mentioned the spring bear hunt. I don't know how many hunters, for example, went on computers in their mom's basement and put in a submission. The right to hunt and fish—that went through the EBR registry; I was involved with that, and we knew that there's a certain cadre of people who were on computers who were opposed to Ontario enshrining the right to hunt and fish by law. Those who were very interested in hunting and fishing, and also trapping, weren't really part of the process. We were the government at the time—I don't think it was a factor—but somehow we factored in that this was skewed in the decision-making. Of course, we have that political decision-making as well. There's no magic formula to accommodate the skewing of this and the situations where people are left out.

1430

I still have situations with my petitions with people who do not read English. They really have no idea what I just gave them, no idea at all.

**Mr. Bas Balkissoon:** I have the same issue.

**The Chair (Mr. Toby Barrett):** Very much so. I think we talked about English and French. Do we consider other languages? Even in my riding, I think of the Hungarian community that have been here for decades and decades and decades and many of the people do not read English.

Thank you for the opportunity to raise my concerns.

**Mr. Bas Balkissoon:** Chair, can I just ask a question?

**The Chair (Mr. Toby Barrett):** Yes.

**Mr. Bas Balkissoon:** Madam Clerk, if you were to give a recommendation to the committee—and I'm just asking—would you say that we should just complement what we have in paper form today with something similar electronically, just to allow those who want to do it

online to do it, rather than go to the next step because of the next step having many risks?

**Mr. Randy Hillier:** That's an unfair question.

**Mr. Bas Balkissoon:** I think it's a fair question because she handles the paper ones today. I'll leave it in her hands. I just asked for your opinion.

**The Clerk of the Assembly (Ms. Deborah Deller):** I'll be very honest: I am of the opinion that if you're going to go the route of e-petitions you should do it properly. You should take a look at what other jurisdictions have done. You should follow their best practices with respect to e-petitions and do a good job of it. I think if it's something that is part of the process of this Legislative Assembly then it's probably something that ought to be something that people can access—on the Legislative Assembly, non-partisan website—in order to submit a petition.

**The Chair (Mr. Toby Barrett):** Yes, Jagmeet.

**Mr. Jagmeet Singh:** A couple of points have just come up so I just wanted to touch on them.

Mr. Chair, you brought up an interesting point, and I think it's absolutely valid: the concept of questioning what would skew the process. I think it's obvious that the process would be skewed, but it's currently skewed. The fact is that written petitions would be easier to collect and gather if you can drive around—if you are older, if you have a car—and to drop off at your MPP's office. Probably, again, if you're older and more mature, you would feel more comfortable—that process is probably already skewed in one direction. So having an online process, I don't think is a problem. I think that just opens up the door to more folks because the current system is limiting in a certain way to certain folks. Absolutely, if we only went with one or the other, there would be people who are not comfortable with computers, who wouldn't want to do an online process. I think having both makes sense.

Responding to Madam Clerk's response, I think, absolutely, we need to look at other jurisdictions that are doing it and see what their process is so that we can come up with something that's reflective of the respect to which we hold our Legislative Assembly—something of quality; something we can be proud of.

In terms of democratic value, obviously, members will continue—if there's an issue—to raise their issues through writing their petitions, if that's the choice of a member. But I think the principle of allowing and having a very easy and accessible format for the public to be able to do it independently is something that's in line with one tradition but more importantly in line with that democratic value of openness, transparency and accessibility in allowing a citizen to create their own petition independent of a member. I would agree with having something housed in the Legislative Assembly or some manner that's non-partisan and a member of any riding would not necessarily need to seek out their own member to be able to do it. If they do seek out the member, that's great, too, but they don't have to.

Going back to Mr. Hillier's point, though, I do see the potential for using data and software combined, having a



database and software to perhaps do something that would not really reflect what's really going on in the province.

I think if I was to err one way, I would err on the side of doing whatever it takes to—I would err on the side of having a certain minimal requirement set forth, but erring on the side of making sure that it's available and possible, rather than being so caught up in the concerns of validating it that we don't move forward with it. If I was to err on one side, I would err on the side of: Have a certain protocol in place, but don't make it so onerous and so difficult that we'll just get bogged down by that and not be able to move forward with an actual process. I think that's important.

Just on the point of the weight of the petition, I agree with Mr. Ballard. I do the same thing when someone walks into my office. I think it's probably a bigger deal if someone took the time and effort to come to my office. Then it goes down from there, in terms of the ease of communication. I think that's pretty accurate. But then I think that if you look at online petitions, you actually see an increase in numbers, so maybe it's a one-for-one situation and you don't really weigh it higher. Maybe you weigh it two or three. But if there are 10,000 people, that's 10,000 people. If there are 20,000 people who sign it, that's 20,000 people.

The beauty of online is that it's easier to do. You can be at home and do it, so it's kind of a more direct democracy. It shows you exactly what's going on, a little bit of a feedback of how people see an issue, and you can weigh it for what it's worth. That was at least one person who did that. If you have a list of 100,000 signatures, that's at least 100,000 people. That's weight enough, I think.

Those are all my points.

**The Chair (Mr. Toby Barrett):** Yes, Granville?

**Mr. Granville Anderson:** I just had a few comments. I'm interested in the discussion, and it's all valid points. Yes, we have to move to technology. Things have changed, and we want everybody to partake in democracy. Yes, you have to maintain the legitimacy of the system, because as the Clerk said, it does influence decisions, from time to time, that are made. But still, we cannot be too strict on the rules, because we want participation in democracy.

Steve said—when you get those signatures, those petitions, online, do you go look for the people to sign them physically? How does that happen?

**Mr. Steve Clark:** No. We have different systems on our two sites. These folks were from agricultural families, so it was very easy to deal with them, because most of them, in addition to signing the petition, sent me emails or sent me a letter, indicating, first, that they've supported the petition, and, second, here is the level of detail that they think should happen at, for example, the Kemptville college petition. These were people that were actively engaged, giving me recommendations.

Then when the municipality did a feasibility study, I actually emailed all of them and said, "I'm emailing you

because you were interested in this. The municipality is doing a survey. Here is the survey link." It was those people that decided whether they would take the survey. I have to tell you, I didn't get thousands of emails bouncing back. These were live people.

**Mr. Granville Anderson:** Okay.

**Mr. Steve Clark:** Some of them, for example—and Toby would know this—a husband and wife would have one email account in their house, so I would get the same email account twice, from John Smith and Jane Smith. A lot of times that happened—not thousands of times, but quite a few times. But again, they were all very valid, very engaged, and used email back to me about very specific recommendations.

I found it was very satisfying and something that I hadn't experienced in the almost five years that I've been a member. This was the time that I was dealing with people all over the province—nobody outside of the province; nobody in the US. It was a typical Ontario issue because it affected farm families, people that graduated from Kemptville college, people whose kids attended the college. I found it was an eye-opener for me.

**Mr. Granville Anderson:** Yes, there's so much apathy. So anything that allows people to participate in democracy—

**Mr. Randy Hillier:** I'll just add on to that. The only problem that we've experienced is that single email checkoff, where an email goes back for verification, and the husband and wife get mad because they both can't sign the petition, right? That has been my biggest beef with my petitions.

1440

But electronic petitions are much like any other petition. If you think back to just regular paper petitions, there are people who will take them out to their friends and families. They'll take them out to hunt camps, corner stores or bingo. They'll take them wherever. I have them in my office. I'm sure most members have petitions in their offices, for people who walk in. The electronic petition is just one more. I've had lots of people print my petitions off from the website and then go out and do them the old-fashioned way, putting them out at the gas stations and the corner stores. We've had all kinds of people share them on Facebook, and tell people on Facebook or Twitter to go to that web page.

I would just say one other thing, Toby. It goes without saying, but I'll say it anyway: It's a very changing dynamic, this medium. The last thing I saw is that the fastest-growing demographic on Facebook is women over 55. I can tell you that even the amount of people who are engaged in technology as a way to communicate with their member of the Legislature has skyrocketed. The number of emails that I get today as compared to when I was first elected in 2007, the people sending me requests on Facebook, which didn't exist for me in 2007, and people sending me messages by Twitter—these are constituents.

Things are going to continue to change, and that's why we have committees: to make alterations to our standing



orders as circumstances and contexts change. We don't need to be too fearful of that change. We need to examine it and investigate it, even if we do it as a pilot project for a period of time. We have also seen, when you read through these briefs, that there have been a lot of different processes tried, and a lot of them have failed. Whether the bureaucracy of government is the host of petition sites, or when the legislative body is hosting—there have been many different examples. You know, 10 Downing Street used to have its own petition site, and it failed—well, I shouldn't say it failed; it was altered. Now we've gone to the House of Commons, which is a more appropriate body to host petitions, in my view, than the executive. Anyway, those are just a couple points of view from where I see things.

And what I'd say to those husbands and wives who only have one email account is to either get another email account or come on in to the consti office and sign it on the paper copy.

**The Chair (Mr. Toby Barrett):** I'm assuming that, both Deb and Todd, you probably have some responsibilities with the House reconvening at 3 o'clock? I would ask that, if you wish to slip out, we could continue our discussion; we'll just leave it that way.

**The Clerk of the Assembly (Ms. Deborah Deller):** Sure. Thank you.

**The Chair (Mr. Toby Barrett):** Feel free to just slip out at any time.

On my list is Jagmeet, and then Steve.

**Mr. Jagmeet Singh:** I was just thinking of next steps. We're getting close to 3 o'clock anyway. For next steps, I think we all probably need to caucus this, to make sure that we have a good sense of where our parties stand in terms of the direction. Is there additional research that we need to request where we're unclear? We have a lot in front of us. Is there additional research that the Clerk's office needs to do or wants to do?

**The Clerk of the Assembly (Ms. Deborah Deller):** Actually, if I could just—because we will have to leave—make this parting comment, I think that what the committee has to do going forward is determine whether, in principle, they want to pursue the notion of having an e-petition process. Because then, once there's an agreement there, you can start looking at the options that are available, what the best practices in other jurisdictions are and essentially how to go about it. I think there's not very much merit in going through all of that if, at the end of the day, you find out that in principle, the committee is not in agreement with making that recommendation. Once you get that far down the road, we can help a lot with developing the processes that you think you're leaning towards and giving you a framework for doing it.

If I might suggest, because you asked for additional research, what I think would be useful is if—I don't know whether this committee has the document that was previously sent out, which is the overview of e-petitions in other jurisdictions. I think it would be useful if we updated that, given that there are some changes in some

of those jurisdictions now, and made sure that the committee had it. I think that would be helpful to you.

**Mr. Jagmeet Singh:** I'll just wrap up.

Sorry, was that everything, Madam Clerk?

**The Clerk of the Assembly (Ms. Deborah Deller):** I'm sorry?

**Mr. Jagmeet Singh:** I didn't want to cut you off. Did you—

**The Clerk of the Assembly (Ms. Deborah Deller):** No, that's it.

**Mr. Jagmeet Singh:** One thing I'll request on my behalf—I don't know how many members; I know at least Mr. Hillier does have the—I don't have the overview of e-petitions in other jurisdictions; I don't have that myself. I'd request that. We'll get that for everybody?

**Mr. Randy Hillier:** You should also go on my website—

**Mr. Steve Clark:** My website too.

**Mr. Jagmeet Singh:** I will go on both their websites and check it out.

So (1) everybody gets that research; (2) obviously, we're going to need to caucus this and make sure. But can we all say that in some form, we do agree with the idea of having e-petitions? I think that's pretty clear. No? Yes? Maybe?

**The Chair (Mr. Toby Barrett):** Any comments on that? Are we—

**Mr. Bas Balkissoon:** As I said before, our caucus has had no discussion. I'd have to take it back to them.

**Mr. Jagmeet Singh:** Fair. So let's caucus it and come back. We can't do anything beyond that.

**The Chair (Mr. Toby Barrett):** Randy and then Chris.

**Mr. Randy Hillier:** Chair, I'd like to move a motion. I move that the committee should limit its consideration of e-petitions to ways of supplementing the current paper petition process and should not include changes to the processes that follow the tabling of petitions.

Chair, if I might, my view on this motion is just to help us concentrate and focus our discussion. I'll move this forward so that we have a discussion for next week. I think we can see, if we're not sure of the output of a petition, if the output of a petition is going to alter or change or is unknown, that to establish a process to get to an unknown outcome is impossible. So know what the outcome is first. Then we can develop the proper processes to get to that agreed-upon outcome.

**The Chair (Mr. Toby Barrett):** We have a verbal motion from Randy. Discussion?

**Mr. Bas Balkissoon:** Only to say that I made the request that we bring this to our caucus. I would prefer to bring an open request on e-petitions to my caucus rather than a restricted one at this time. I can't support that.

**Mr. Randy Hillier:** I understand this. You've got to bring it back to the caucus. Just what are you bringing back to the caucus if not—

**Mr. Bas Balkissoon:** E-petitions with all options.

**Mr. Randy Hillier:** Sure. What my hope and my intention here is—as I just said, do we know what sort of



outcome we want? We don't even know that yet. So have that discussion with our caucuses. When we come back to the committee next Wednesday, we'll have had an opportunity to discuss with our caucuses and have the ability to engage in a thoughtful conversation, whether we want to not consider output changes of petitions or whether we want to go with something else. This will help us focus in our conversations and our discussions and have something of tangible merit to bring back to our caucuses.

**Mr. Steve Clark:** Chair, I just want to agree with him. I was on this committee when we did standing order changes for years, and nothing was ever accomplished. We all discussed things that we agreed upon, not just e-petitions. There was a myriad of things—Mr. Balkissoon knows. Nothing ever got finished. I agree with Mr. Hillier—

**Mr. Bas Balkissoon:** Well, the House was prorogued.

**Mr. Randy Hillier:** Two years.

**Mr. Steve Clark:** That's not just the case. But we have to decide whether we're going to supplement the existing process or whether we're going to create a new process, if we're ever going to decide how to move forward. I think it's very important—

**Mr. Bas Balkissoon:** I'm ready to vote, Mr. Chair; I already expressed my opinion.

**The Chair (Mr. Toby Barrett):** Are the members ready to vote? It's a verbal motion. We don't have this in front of us.

**Mr. Randy Hillier:** I wasn't considering a vote on this right at the present time. Because we're approaching the end of our time, I'll continue to discuss past 3 o'clock if we need to. The purpose here is to actually have something to bring forward to our caucuses so that we can have a thoughtful conversation next Wednesday and be able to be in a position, possibly—

**Mr. Bas Balkissoon:** I thought he said he was tabling a motion. It's up to you, Chair. You're the Chair.

**The Chair (Mr. Toby Barrett):** We do have a motion on the floor, but a request not to vote on it?

**Mr. Randy Hillier:** I'd like to see if there's any further discussion on the merit of that motion.

**The Chair (Mr. Toby Barrett):** Further debate?

**Mr. Jagmeet Singh:** Maybe I could just ask for some clarification. So the motion is essentially to sort out whether or not we are in agreement that the online petition, the e-petition, should be a supplement or a replacement.

**Mr. Randy Hillier:** Yes.

**Mr. Jagmeet Singh:** I would assume that we would certainly want to maintain the paper as part of our tradition. It's easier for some folks. It's an existing system. There's no reason to get rid of it. The e-petition,

I would assume, would be something that supplements it as opposed to replacing it. As long as I understand the motion correctly, I guess I'll turn it back to—

*Interjections.*

**Mr. Randy Hillier:** Maybe we could get the motion photocopied and circulated to all members of the committee.

**The Chair (Mr. Toby Barrett):** Do the members want a copy of this motion?

**Mr. Bas Balkissoon:** To vote?

**Mr. Randy Hillier:** A copy so that you could read it and have it.

**Mr. Bas Balkissoon:** I don't need it. No.

**The Chair (Mr. Toby Barrett):** Are the members ready to vote?

**Mr. Randy Hillier:** Chair, I'd like to call—

*Interjection.*

**The Chair (Mr. Toby Barrett):** Defer it?

**Mr. Randy Hillier:** I'd like to defer the vote. If not, I'll call for a 20-minute recess.

**The Chair (Mr. Toby Barrett):** All right. So we've got a choice to either—

**Mr. Randy Hillier:** Bas, we went through this all, for two years, of never having anything on the table to actually vote on. Are we going to do that again?

**Mr. Bas Balkissoon:** With due respect, I have a lot of new members who are unaware of anything that went on, and I'd rather leave it wide open.

**Mr. Randy Hillier:** But you're taking the exact same path as what happened last time.

**Mr. Bas Balkissoon:** I have four other colleagues. I've just given you my opinion.

**Mr. Randy Hillier:** Is there anybody opposed to having e-petitions supplement paper petitions? That's a pretty easy concept.

I'll withdraw the motion. I will retable it next week. I would like to have some discussion that has—

**Mr. Steve Clark:** A purpose.

**Mr. Randy Hillier:** Yes.

**Mr. Steve Clark:** And I want to give you our assurance that we will take that motion before our caucus and have a discussion before our meeting on Wednesday.

**Mr. Bas Balkissoon:** I didn't say I wasn't taking this issue to my caucus. I want to take it wide open.

**Mr. Steve Clark:** I'm making a statement. I'm not doing a request to you. I'm making a statement on what we're going to do.

**The Chair (Mr. Toby Barrett):** Any further requests before we adjourn? The committee is adjourned.

*The committee adjourned at 1454.*

## CONTENTS

Wednesday 25 February 2015

Petitions.....	M-27
Ms. Deborah Deller, Clerk of the Assembly	
Mr. Todd Decker, Deputy Clerk of the Assembly	

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)  
Mr. Bas Balkissoon (Scarborough–Rouge River L)  
Mr. Chris Ballard (Newmarket–Aurora L)  
Mr. Toby Barrett (Haldimand–Norfolk PC)  
Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)  
Ms. Eleanor McMahon (Burlington L)  
Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)  
Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)  
Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Steve Clark (Leeds–Grenville PC)  
Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)  
Mrs. Kathryn McGarry (Cambridge L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



M-7



M-7

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 4 March 2015



# Journal des débats (Hansard)

Mercredi 4 mars 2015

## Standing Committee on the Legislative Assembly

Committee business

## Comité permanent de l'Assemblée législative

Travaux du comité

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 4 March 2015

Mercredi 4 mars 2015

*The committee met at 1300 in committee room 1.*

## COMMITTEE BUSINESS

**The Chair (Mr. Toby Barrett):** It now being 1 o'clock, I welcome everyone to this regular meeting.

**Mr. Shafiq Qaadri:** We need a gavel, Chair. I'm not doing it until the gavel hits.

**Mr. Toby Barrett:** I didn't hit it loud enough.

This is a regular meeting of the Standing Committee on the Legislative Assembly, on March 4. The agenda we have before us—this book of business—is petition procedures.

I also wanted to alert the committee that we did receive two documents since our last meeting. One is entitled E-Petitions: Overview of Usage in Other Jurisdictions. Secondly, we received the 33rd report of the Standing Committee on Procedure and House Affairs, House of Commons, Canada.

I would open up the committee—yes, Mr. Ballard?

**Mr. Chris Ballard:** Mr. Chair, I have a motion that I'd like to put in front of the group—

**Mr. Steve Clark:** Oh, here we go.

**Mr. Chris Ballard:** —a motion regarding Bill 56, the Ontario Retirement Pension Plan Act, 2014.

**Mr. Steve Clark:** The games begin.

**Mr. Chris Ballard:** I move—if I may read it, sir—  
*Interjection.*

**Mr. Chris Ballard:** I do have copies.

**The Chair (Mr. Toby Barrett):** We'll distribute those.

**Mr. Randy Hillier:** Chair, if I may, we have a motion from the House already under consideration for this committee. It's a motion to consider e-petitions. That has not been dealt with first so I would suggest that any motion to subvert the business of the committee already would be out of order.

**Mr. Steve Clark:** Absolutely.

**The Chair (Mr. Toby Barrett):** And that would be the motion that was carried, as amended? That would be the one? Yes, the motion relating to Bills 12, 27 and 42, petitions and e-petitions; that was the title. A broad motion?

**Mr. Randy Hillier:** That was a motion that was agreed on by the committee; however, this committee is operating under the instructions from the House right now on the electronic petitions.

**Mr. Bas Balkissoon:** No, it was his motion.

**Mr. Chris Ballard:** It was my motion on e-petitions.

**Mr. Bas Balkissoon:** Two meetings ago he moved it.

**Mr. Randy Hillier:** Okay, I thought that was—oh, you moved it. Okay. It was not from the House.

**The Chair (Mr. Toby Barrett):** That was the motion for, what, two days of hearings?

**Mr. Chris Ballard:** Three days, actually, yes.

**The Chair (Mr. Toby Barrett):** So the motion is not out of order. I would point out with respect to that previous motion that I just mentioned—I think you were referring to it, Mr. Hillier—the last sentence: That the committee revisit its schedule following the second week of consideration of its review of petition procedures.

**Mr. Randy Hillier:** Yes.

**The Chair (Mr. Toby Barrett):** So following the second week?

**Mr. Randy Hillier:** Yes.

**Ms. Soo Wong:** What motion is that?

**The Chair (Mr. Toby Barrett):** That was the motion related to Bills 12, 27 and 42, and petitions and e-petitions.

**Ms. Soo Wong:** That was last week?

**The Chair (Mr. Toby Barrett):** Yes, it was carried—

**Ms. Soo Wong:** I wasn't here last week, so I'm very sorry, Mr. Chair.

**The Chair (Mr. Toby Barrett):** It was carried, as amended, February 18.

*Interjection.*

**The Chair (Mr. Toby Barrett):** Mr. Hillier? Sorry.

**Mr. Bas Balkissoon:** That was two weeks ago.

**Mr. Randy Hillier:** I'll wait for the Clerk to—

*Interjection.*

**Mr. Randy Hillier:** Just for clarification: The motion was put before this committee, which, from what I recall, was adopted. That set out a program of three weeks for petitions followed by a number of weeks for three different bills. I understood that that motion had indeed passed.

**Mr. Steve Clark:** February 18.

**Mr. Randy Hillier:** Then we agreed the petitions would be ranked first, and that that motion was passed by this committee: petitions first, then the three private bills. Is that not correct?

**The Chair (Mr. Toby Barrett):** That is correct, as I understand. I would point out that this committee also has the freedom to change its agenda.

**Mr. Randy Hillier:** Sure; yes. But I just wanted to make it clear what is already in front of the committee.

**The Chair (Mr. Toby Barrett):** Maybe, as Chair, I will mention that Mr. Ballard has the floor and, now that it's been distributed, wishes to read in a motion.

**Mr. Chris Ballard:** Yes, let me read that in. Mr. Clerk, thank you.

This is a motion regarding Bill 56, Ontario Retirement Pension Plan Act, 2014.

I move that the Clerk, in consultation with the Chair, be authorized to arrange the following with regard to Bill 56, Ontario Retirement Pension Plan Act, 2014:

(1) Three days of public hearings if necessary and one day of clause-by-clause consideration, commencing on the first day following the approval of this motion; and

(2) Notice of public hearings on the Ontario parliamentary channel, the Legislative Assembly's website and Canada NewsWire; and

(3) Witnesses are scheduled on a first-come, first-served basis; and

(4) Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

(5) The deadline for written submission is 3 p.m. on the last day of public hearings;

(6) The deadline for filing amendments with the Clerk of the Committee be 5 p.m., one day following the last day of public hearings on the bill.

That's my motion.

**The Chair (Mr. Toby Barrett):** Any further comments?

**Mr. Chris Ballard:** Just by way of a bit of context, I think the discussion, the debate, the deliberation we're having around e-petitions is important to me, but as I understand, tradition here would say that a bill by government put before or referred to this committee would take precedence over one put on the floor by an individual member. That's why I'm moving this motion today.

**The Chair (Mr. Toby Barrett):** I'll do a rotation. I'll go to the opposition and then I have two names over here.

Mr. Clark.

**Mr. Steve Clark:** Thank you very much, Chair. I just want to take exception to one of the comments that the member for Newmarket–Aurora said about a government bill superseding or—I forget the exact words he used, but he gave the impression that a government bill would take precedence over committee business.

I've been on committees where we have, on a co-operative basis, just like we did on February 18, decided to program bills that were both government and opposition, and it worked very well.

I would like to ask the Clerk a question. It's a technical question based on this motion. I would like to know how this will affect the other programming motion from February 18 and where we would end up with a discussion and where we would end up on public hearings for Bill 12, Bill 27 and Bill 42.

My understanding, from the meeting we had on February 18, was that we had used a significant portion of this committee's meeting times in this session, and I'm just a little worried, based on the motion, how that alters our time. If you could give me a chronology of when we would be dealing with this amendment, when we would be dealing with petitions and when we would be dealing with Bill 12, Bill 27 and Bill 42, I think it would help clarify to me when we'll be able to deal with this business.

My question is to the Clerk.

**The Chair (Mr. Toby Barrett):** Before that—and I'd ask the Clerk to answer that—I'd ask the Clerk, I think you wanted to clarify something just before?

**The Clerk of the Committee (Mr. Trevor Day):** Just on the other assertion that was made, there is nothing in our standing orders that allows for precedence of a government bill over a private member's bill. We do have something in our standing orders that speaks of precedence of a government bill over one of the committee studies—I believe it's 126 or 111—but that's where the precedence falls.

**Mr. Steve Clark:** But in terms of the order, when would we be hearing this bill and when would we be hearing the other bills?

**The Clerk of the Committee (Mr. Trevor Day):** As it stands now, this motion is giving, roughly at its far end, four weeks of consideration in this committee; that is, that clause-by-clause would start on the fourth week, and I'm going to go with the assumption that it would finish that day. If not, the committee would have to ascertain whether they wanted to continue with the clause-by-clause and keep it moving.

1310

But if we're looking at four weeks' worth of consideration of Bill 56—today is March 4—it would begin on the 11th, then the 25th, April 1 and April 15. Once those four weeks were complete, if the committee was to resume where it left off, a decision would have to be made whether or not the committee would be moving directly to Bill 12 or if it was resuming consideration of the e-petitions.

Under the original schedule, it said it would revisit its schedule following the second week. So there would have to be a determination there whether the committee was going to continue with e-petitions for an additional week or it would move directly to Bill 12, if it chose—Bill 12, I believe, was a two-week, which would take the 22nd and the 29th of April—Bill 27 for three weeks, which would be the 6th, the 13th and the 27th of May, and then Bill 42 for two weeks, of which we'd get one in before the House rises on June 3.

**Mr. Steve Clark:** So whose bill is 42? Which member has Bill 42?

**The Clerk of the Committee (Mr. Trevor Day):** It's the Municipal Amendment Act (Election of Chair of York Region), and I believe it's in the name of Mr. Ballard.

**Mr. Steve Clark:** So Mr. Ballard's motion here will ensure that Mr. Ballard's bill wouldn't be finished and be ready to be passed.



**The Clerk of the Committee (Mr. Trevor Day):** That is probably determined on a number of choices the committee will have to make, but based on a straight schedule, that's what we're looking at.

**Mr. Steve Clark:** I'm just surprised at that.

**The Chair (Mr. Toby Barrett):** I'd like to go to Jagmeet. Is it okay if I use first names in committee? Is that fine?

**Mr. Jagmeet Singh:** Jagmeet is perfect.

**The Chair (Mr. Toby Barrett):** Dr. Q?

**Mr. Shafiq Qaadri:** Or Mr. Qaadri. Whatever.

**Mr. Jagmeet Singh:** Mr. Chair, I just want to clarify: If we address this motion, will we be then moving into discussion—on to the bill in a substantive way, or is it simply a discussion on this motion that we move forward, and then we'd revert back to the discussion on e-petitions?

**The Chair (Mr. Toby Barrett):** It's a decision of the committee, as I understand it.

**Mr. Jagmeet Singh:** Okay. Could we perhaps get some guidance on behalf of the government? Is that the plan, to deal with this motion and then move back into petitions, or is the plan to deal with this motion and then continue with this motion?

**The Chair (Mr. Toby Barrett):** So we have a question to the government side.

**Mr. Shafiq Qaadri:** Thank you, Mr. Chair, and thanks to you, Mr. Singh. First of all, just to set the context, as you know, Bill 56, with regard to the Ontario Retirement Pension Plan, this particular motion refers to—this essentially is enabling legislation. From the government's perspective, there's a certain urgency. It's not exactly an emergency, but there's a certain urgency to get, first of all, this act under way: committee consideration, clause-by-clause and sort of finalized. There are a number of subsequent pieces of legislation and other initiatives that are coming forward with regard to governance, with regard to regulatory, with regard to administration. As you'll know, our Associate Minister Hunter has just finished a 12-site, across-Ontario tour as well. This was, of course, a mandated part of our election platform.

I think I would just sort of plead to the committee that there are a number of moving parts, as you can imagine, in the institutionalization of this, regarding negotiations with the federal government, with employers large and small, the self-employed and so on. So that's essentially what we're attempting to accomplish right here. I would certainly echo the words of our esteemed Clerk, Mr. Day, that at the outset this is looking at probably, if all goes well, perhaps a four- to five-week interlude, shall we put it that way, before we consider these other matters.

Mr. Chair, the floor is yours.

**The Chair (Mr. Toby Barrett):** That was your question?

**Mr. Jagmeet Singh:** No, no. So that's interesting and that's all very good and well. Thank you very much, Mr. Qaadri. I'm aware that this first piece is enabling for the subsequent pieces in terms of the pension plan. But just

reverting to the initial question, is it the plan of the committee to go back to e-petitions after this? I mean, this is an important thing we need to deal with, so no issue with that, but is the plan then to move forward with additional materials around the pension plan or is the plan of the committee to discuss e-petitions today?

In terms of the Liberal Party's position, I'm not overly concerned. I'm just curious as to what is next.

**The Chair (Mr. Toby Barrett):** Do you wish to answer the question, Mr. Ballard, or Chris?

**Mr. Chris Ballard:** Sure. Well, obviously, I can't speak on behalf of all the Liberals at the table, but as I said at the outset, I personally was interested in moving e-petitions along and that's why I leapt at the opportunity to put it on the table. I can't make any promises, because I'm just speaking for myself, but I would like to see it next in line.

**The Chair (Mr. Toby Barrett):** Okay. I'll go to Soo and then to Randy.

**Ms. Soo Wong:** The Clerk has clarified the order of what's before us, so he has answered my question—

**The Chair (Mr. Toby Barrett):** Thank you. Randy?

**Mr. Randy Hillier:** Chair, I'd like to move an amendment to the motion. The amendment to this motion would be that Bill 56 be considered after the committee has considered e-petitions.

**The Chair (Mr. Toby Barrett):** We have an amendment to the motion. Do we need this distributed to the members?

**Mr. Bas Balkissoon:** Can we get it written so we can read it?

**The Chair (Mr. Toby Barrett):** All right.

*Interjection.*

**The Chair (Mr. Toby Barrett):** Five-minute recess.

*The committee recessed from 1316 to 1325.*

**The Chair (Mr. Toby Barrett):** We'll reconvene. We now have copies of the amendment to the motion, put forward by Mr. Hillier. Do you want to read that out again?

**Mr. Randy Hillier:** Sure, and I'll just give a few comments on justification and rationale.

I move that the words "following the committee's previously scheduled consideration of e-petitions" be inserted after "Bill 56, Ontario Retirement Pension Plan Act, 2014". That is in the first sentence of Mr. Ballard's motion.

**The Chair (Mr. Toby Barrett):** Mr. Hillier, further comments?

**Mr. Randy Hillier:** Just for the committee's—a recap and some justification here. The electronic petition discussion has been going on in this committee for a little over two years. As we witnessed last week, we had the Clerk and the Deputy Clerk of the House into this Legislative Assembly committee, and rehashed and did a new summary of the previous summaries over the last couple of years, because, of course, over this prolonged period of time—people on this committee change, people on this committee are no longer members of the House—there comes a loss of information and knowledge. So this



committee, in its wisdom, chose, and freely chose, to agree to a schedule of bills to be dealt with.

I believe four standing committees of this House are not considering any bills at the present time. They are not sitting; they're not conducting any business of the House. When this bill, Bill 56, passed second reading last week, I was astonished when it was referred to this committee, which already had a very robust agenda agreed to, while at the same time there were four other committees that were idle and not considering any government business whatsoever. That's an important consideration for me.

This appears to be attempting to subvert the agreed-upon actions of this committee, this action of referring Bill 56 to the Legislative Assembly committee. Really, even to refer this bill to this committee in the first place—the standing orders are quite clear about the mandate of this committee. Although it can look at government bills, the mandate of this committee is to be engaged in the standing orders, to continually revisit, evaluate and make recommendations to the House on the standing orders.

When you strip away everything to its essence here, what is the government trying to do with this motion of bringing Bill 56 into this committee? It does not appear to be genuine, it does not appear to be honest in its attempt to bring Bill 56 to this committee in this fashion.

Once again, we will have to start this whole process over in maybe a year, maybe two years. Maybe we'll have to get the Clerk back three or four more times to provide knowledge and information to changing members on overviews and the use of e-petitions in other jurisdictions, and we'll just be continually twiddling our thumbs.

I really suggest that this motion is very—I'd like to use the words, but they would be unparliamentary, how I view having Bill 56 referred to this committee.

My amendment is simple: Let us deal with the e-petitions that we had all agreed to before we consider Bill 56. Thank you very much, Chair.

1330

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Hillier. Further discussion?

Yes, Mr. Singh.

**Mr. Jagmeet Singh:** One other issue that's come up is that in the normal course of action—regularly in terms of scheduling bills, the way it works is that there's a subcommittee that's struck and in the subcommittee meeting members from each party discuss potentially coming to an agreement on how the bill should progress. I just want to confirm that with respect to the pension plan there hasn't been a subcommittee struck, so we haven't had the opportunity to discuss with each other in a subcommittee setting the way in which we want to move forward.

The other issue is that the reason for that subcommittee is that the member who's taking carriage of this file has been scheduled—Ms. French has been scheduled and been assigned with this file. She knows the file intimately and has experience with it. So she should have been briefed about what's going forward, what's the plan, and

very likely it could have been an agreement about exactly what needs to be done. Then we could have made that agreement and move forward. But there's not been a subcommittee, or the subcommittee's not been held with respect to this. That's another concern. I'm just curious why that hasn't been done. We could easily have a subcommittee meeting, hammer out all the details, come back and then move forward with it.

Those are my two concerns that I wanted to raise.

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Singh.

Further discussion on this amendment to the motion? Mr. Clark.

**Mr. Steve Clark:** Thanks very much, Chair. I, too, share the same concern that Mr. Singh just outlined regarding the fact that there was no subcommittee. I can also speak on behalf of our deputy House leader, Julia Munro, who has the file from our caucus. She was very surprised when Minister Hunter stood up and referred the matter to the Legislative Assembly committee, because she knew, as our critic, the fact that we had already programmed in three bills, plus the discussion on e-petitions.

When I start my comments, I guess I'm going to start my comments with a question to the government: Would the members of the committee agree to approach your government House leader, through his staff here at committee, to ask that this bill, by motion, be discharged from this committee and moved to a committee that has no business before it? To me, that's a very valid question to ask the members of the government, and Eddie from the government House leader's office today. I don't know whether they'll need a break to get that answer, but I think it's a very important question that certainly would provide some clarity to me.

**The Chair (Mr. Toby Barrett):** There's a question to government members—not that you have to answer, as I understand, but we'll just wait a second.

**Mr. Randy Hillier:** Chair.

**The Chair (Mr. Toby Barrett):** Okay. While we're waiting, Mr. Hillier.

**Mr. Randy Hillier:** I think the silence speaks volumes. Questions have been put and there is absolute silence.

**Ms. Eleanor McMahon:** Oh, come on.

**Ms. Lisa M. Thompson:** No, it's true.

**Mr. Randy Hillier:** There have been arguments advanced and there has been no response. Arguments have been advanced that this motion, the way it was originally proposed, would waste this committee's time and continually waste the committee's time, waste the Clerk's time, waste the Deputy Clerk's time—just continually.

Really, why is there no comment from any Liberal member about the validity—if my arguments don't have merit, I'd like to hear from the Liberals that my arguments don't have merit. If my arguments are not justified, I would like to hear why. We've laid out arguments why the e-petitions should be considered first, and we have had absolutely no comment from the five members from the government on this committee. I find that atrocious. I



find it abhorrent that arguments are advanced and we think that the government can just turn its back on arguments advanced in committee and dismiss them by their silence.

**The Chair (Mr. Toby Barrett):** Any further discussion or debate? Yes, Ms. Wong?

**Ms. Soo Wong:** Mr. Chair, I wasn't going to talk today, because of my voice, but I want to ask, through you to the Clerk: With respect to any bills before the House, whether it's a private member's bill—is it not the right of the minister or the member who's proposing the private member's bill to discharge that to any committee? Am I correct?

**The Clerk of the Committee (Mr. Trevor Day):** That is correct.

**Ms. Soo Wong:** So for the opposition party to say that they now want the minister or the associate minister to go back and to discharge it to another committee—well, you know what, folks? The train has left the station.

You just heard the Clerk say that any minister's bill or private member's bill that goes before the House can be discharged to any committee. He just said that. The associate minister has decided to put it in the LA committee. It is now our responsibility to deal with this as we see fit.

**Mr. Steve Clark:** So you're trying to tell me that the minister just decided, in no consultation with the government House leader, on what committee? She just stood up on her own and picked a committee that was completely logjammed—

**Ms. Soo Wong:** No, that's not what I said. I asked for a clarification, and the Clerk clearly told this committee on the record that any members, any ministers, have a right to discharge any of the bills to any committee. That's what I heard, unless I put the wrong words in his mouth, and I don't think I did.

**The Chair (Mr. Toby Barrett):** Mr. Ballard is next on the list.

**Mr. Chris Ballard:** I just wanted to reiterate what I said at the beginning, when I introduced this motion, and that was that it's the tradition of committee that a government bill be dealt with first, before any other motion that an individual put forward.

I would reiterate as well, maybe a little more clearly, that we can revisit, or we will revisit, e-petitions when the other business is taken care of.

**Mr. Randy Hillier:** Unless another bill gets referred, or another bill, and another bill, always to subvert the express desires of this committee.

I've been watching you, Chris. I can understand why you're uneasy with this motion.

**Mr. Steve Clark:** He's booting his own bill.

**Mr. Randy Hillier:** Yes, you're booting your own bill so far down the road that your constituents will never be represented by you.

*Interjections.*

**Mr. Randy Hillier:** I can understand your uneasiness—

**The Chair (Mr. Toby Barrett):** Committee, we have a problem with Hansard when there are several back-and-

forths. Give me a second to recognize you first, at minimum, just for the purposes of Hansard.

Now, where were we? I'd like to go to Mr. Balkissoon, and then back again. Yes, sir, go ahead.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. I hear what the member on the other side is saying, but I want to correct one statement that he has made, that e-petitions was before this committee. I was a member of the committee, as were Mr. Clark and Ms. MacLeod, and Mr. Dunlop was the Chair. I can tell you there were at least four or five subcommittee meetings where either Mr. Dunlop wouldn't show up, or Ms. MacLeod, to allow the committee to program all the work that was in front of us. So I don't see how you could argue that you wanted to move this ahead—because you came and presented to us that you wanted to move this ahead and it was us who delayed it. The games have been going on on both sides. I just wanted to make that comment.

*Interjections.*

**The Chair (Mr. Toby Barrett):** I'll go to Mr. Clark and then Mr. Hillier.

**Mr. Steve Clark:** I just can't not make a comment after that last statement by Mr. Balkissoon, talking about subcommittees. This committee made some recommendations regarding standing order changes that were clearly put at the foot of the government House leader, and they were recommendations to change the standing orders, that all three parties agreed with over and over and over again. So—

**Mr. Bas Balkissoon:** No, we did not agree on a schedule.

1340

**Mr. Steve Clark:** Yes, we did. I can show you the recommendations that we all agreed upon. Again, this motion today is the same type of mayhem that the Liberal government House leader did with the select committee last week. It's the same type of mayhem he's creating with this motion today. Again, he says one thing about trying to work with the opposition and then he does something completely different every time.

**The Chair (Mr. Toby Barrett):** I'll go to Mr. Balkissoon if you wish. If not—

**Mr. Bas Balkissoon:** I sat on the committee, and I will tell you that during the summer, Mr. Dunlop, the Chair, called several meetings and cancelled them. I believe Mr. Day was the Clerk—I can't remember. You know what? It was the same thing going on.

**Mr. Steve Clark:** You're never going to find a Chair who wants to get stuff done in committee more than Garfield Dunlop. Period.

**Mr. Bas Balkissoon:** Go back and revisit our schedule.

**Mr. Steve Clark:** I disagree with you 100%.

**Mr. Bas Balkissoon:** I know that my memory is pretty good.

**Mr. Steve Clark:** Well, so is mine.

**The Chair (Mr. Toby Barrett):** We've had some interjections, actually.

**Mr. Bas Balkissoon:** I'm done.



**The Chair (Mr. Toby Barrett):** I do wish to go to Ms. Thompson.

**Ms. Lisa M. Thompson:** Thank you very much, Chair. I came in here this afternoon to observe because I sit on the Standing Committee on General Government. I'm quite concerned that democracy is getting bogged down by some of the initiatives that our Liberal government is choosing to employ. I'm here because our committee was cancelled this afternoon because we don't have anything to do.

I implore you guys to take a look at what you're doing. Bill 56: Did it have to come to the Legislative Assembly committee? Based on what we heard earlier, it doesn't even fit with the Standing Committee on the Legislative Assembly.

I encourage you to go back to your House leader and say, "Rethink the games that you're playing here," so that we can get on with democracy.

**The Chair (Mr. Toby Barrett):** I will remind the committee that we are discussing an amendment from Mr. Hillier to the original motion from Mr. Ballard. Do I see any further indications of discussion? Mr. Hillier?

**Mr. Randy Hillier:** Yes.

**The Chair (Mr. Toby Barrett):** Okay.

**Mr. Randy Hillier:** Further to Mr. Balkissoon's comments about subcommittees, and also Mr. Singh's comments, there was no subcommittee meeting for the subcommittee to be informed of Mr. Ballard's motion. This is what happens when your actions—I want to emphasize—are disrespectful to the process and the procedures. I want to make absolutely sure that I'm not suggesting that Mr. Ballard is being disrespectful, but those actions—listen, the members of this committee, although we're all members of caucuses, are independent representatives of our communities. We all have a responsibility to our constituents, not just our caucuses. I would say to Mr. Ballard: Kicking your bill so far down the road that it's not going to be dealt with—that's a bill that I take at face value, that you advanced that bill in the interest of your constituents.

I know you said that we would deal with e-petitions after Bill 56, but the track record indicates otherwise. The government will bring another motion forward to subvert the agreement of this committee. Another bill will be passed in the House, or another bill that's at another committee will be referred back to this one, continually stalling and pushing off these amendments to the standing orders.

Going back to Mr. Balkissoon: Listen, I gave significant representations to that Legislative Assembly committee. I was here for hours speaking on and advancing what I thought were good arguments on why those standing orders ought to be amended. If you like, it's on my Facebook; you can pull up the video from that representation.

**Mr. Steve Clark:** Good video.

**Mr. Randy Hillier:** You might be very disheartened if you do watch the two hours of representations to this committee, but if you do, you will see that we've seen

this game time and time before. We've seen the government—listen, we understand that at that time it was a minority government and there were other things at play as well. But regardless, we have seen the government and the government House leader not playing fair ball with this committee.

It's up to you guys. You guys have the most votes. You guys are going to determine if you're going to be played for puppets, if you're going to be played by the House leader, played by your caucus and be engaged in injurious action to the desires of this committee. It'll be you guys. It won't be Mr. Naqvi's name that's attached to your actions; it'll be yours. In Hansard, it's your names that will be on the vote in the public record.

I'm going to say this to everybody on this committee: We may think that we're in this room with 20 people, but our actions are recorded in Hansard forever. The media are watching and are seeing what is being said and done here. It will not go unnoticed. At the end of the day, it's you guys who are going to determine if you're just puppets for your House leader or if you've actually got something to contribute to this committee, and can do it in an impartial and non-partisan fashion that moves and advances the Legislative Assembly forward.

**The Chair (Mr. Toby Barrett):** I'll just make a comment as well with our committee—and there is some disagreement—that we all use parliamentary language. I don't have the authority to name anybody. I just wanted to mention that.

I'd like to go to Ms. McMahon.

**Ms. Eleanor McMahon:** On your comments about parliamentary language, Mr. Chair, I'm new here, but I look at the member opposite who was just speaking, as someone who has been here for—I don't know how long you've been here, Mr. Hillier; seven years, I think—as someone who might show someone like me a good and fine example about parliamentary language. I found, to be perfectly honest with you, some of the comments that you just made bordering on mildly offensive, suggesting "puppets" and this kind of language. I don't think there's a place for that in this conversation. You are entitled to your opinion—

*Interjection.*

**Ms. Eleanor McMahon:** Let me finish—

**Mr. Randy Hillier:** And I'll express my—

**Ms. Eleanor McMahon:** I have no doubt about that, but you will let me speak because I'm not finished. You had your time; now is my time. You have succeeded in getting my Irish up, and that doesn't happen very often, but I am done with listening to your pontifications. I think that your comments towards us, while I don't find them terribly humorous, are mildly offensive. I don't think they have any place in this conversation. While you are entitled to your opinion, I would ask you to reconsider in the future about how you describe other people that sit across from you. Because, to your point, Mr. Hillier, we are all here to get things done together, and I think it makes it a lot more difficult when you make those kinds of comments, which I think border on



personal invective. So I would ask you to take great care in characterizing the work of your colleagues, because I found those comments extremely unfair.

**The Chair (Mr. Toby Barrett):** I wish to go to—Ms. Wong is on the docket and then Mr. Hillier.

**Ms. Soo Wong:** I want to be on record, because there's a suggestion from the opposition party, especially one member, saying that we've done something wrong. We heard from the Clerk that any bill in the House, whether it's from the minister or private members, can be discharged at any standing committee of the House. He nodded again to verify that statement. So there's nothing going wrong.

Everybody knows that this government is committed to bringing the Ontario Retirement Pension Plan Act forward. We saw what happened last June. The people have spoken. We also saw what happened last year when we were in a minority government: Nothing gets done. There was a lot of filibustering and one bill after another got nowhere. So it is the responsibility—the mover of the motion from the associate minister to this committee—my colleague Mr. Ballard has now moved this motion. I think we need to get on with the business.

1350

Second of all, I want to reiterate, Mr. Chair: I do not want to sit on this committee in the future if the language is like what I just heard this afternoon, because for me, as an immigrant child growing up in this city, I get absolutely sensitive to that type of language, because it's not parliamentary, in my words.

**The Chair (Mr. Toby Barrett):** Thank you, Ms. Wong. Mr. Hillier, you had a comment again?

**Mr. Randy Hillier:** I think it should have been clear, and if it wasn't clear, I apologize. I was speaking of the actions of the members of the Liberal government on this committee. The actions are offensive. They offend this committee. They offend because they frustrate this committee. They are actually preventing the work of this committee from being done.

I can't imagine that not every member would find those actions to be offensive when they are purposely frustrating the agreed-upon scheduling of consideration of bills in this House. I will apologize. For anybody who thought my language was offensive to them, my language was elevated based on the actions because, once again, I find those actions to be offensive. If I could find words to describe that frustration that were not unparliamentary, I would use them. But after years and years of being frustrated by the Liberal government in this committee—and it doesn't matter. Mr. Balkissoon is here from the previous one, but many of the members here are new members. They haven't witnessed how your government has frustrated this committee in the past.

I'm not going to accept a continual frustration of this committee. If you want to continually frustrate this committee, be prepared for ever-escalating responses. We need to start working together. This committee had an agreed-upon course of action, and now there's a deliberate attempt to subvert what this committee had already agreed upon.

Listen, I understand that you've got five members over there. I understand that there's an opposition that doesn't have as many votes. But in committee, you're not expected to run roughshod over the opposition. You're not expected to be absolutely dismissive of the arguments of the opposition. If you're going to act in that fashion, not much is going to get accomplished.

My colleague from Leeds—Grenville, Mr. Clark here, has suggested that you go back to your House leader and ask him to refer this bill, Bill 56, to another committee that is not sitting. As we heard from Ms. Thompson, general government has not got any bills in front of it. Bill 56 could be referred there and it could be dealt with in an expeditious manner without frustrating the expressed desires of this committee.

I'm going to put it out: Why do you want to frustrate this committee and leave that other committee idle to do nothing? As I said, the actions of this committee will be noticed by others. Thank you.

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Hillier. Mr. Qaadri.

**Mr. Shafiq Qaadri:** Thank you, Mr. Chair. This afternoon I continue to be calm and adequately caffeinated, and if I might just disengage from the fire and brimstone that's being hurled bilaterally here, I would respectfully ask my honourable colleagues opposite, for example—this bill, or this act, as you know, was passed initially on Wednesday of last—very recently. The House leaders' meeting was the day after. If there were any objection—and I ask this as an information point—to be raised, as you say, to refer back to the House leaders', we're just inquiring, respectfully: Why was this not raised at the House leaders' right at the initial stage?

**The Chair (Mr. Toby Barrett):** There is a question, if you wish—

**Mr. Steve Clark:** Yes, I'd love to answer that question. We had a committee meeting here where we co-operatively passed a motion on February 18 to program this committee for three bills and for e-petitions. Immediately after this committee met, I was admonished by the government House leader at my desk in the Legislature. He was angry that this committee co-operated. He was angry that we programmed these three bills. Quite frankly, I was insulted that he would do that.

The fact is, Mr. Qaadri, that the reason this bill was programmed is because Mr. Naqvi wanted, in a very direct way, to indicate that his members of the committee aren't in charge, and that he's in charge. That's why he made that decision in consultation with Ms. Hunter.

I am offended, as Mr. Hillier has expressed before, because he has done exactly to this committee what he did last week to the select committee. He inserted a motion that would ensure that we wouldn't co-operate. On February 18, we co-operated and programmed three bills, and we were able to accommodate the government's motion. Today, it was done in a very direct way.

Listen, I know why we're here today with that motion. I know why Mr. Ballard was given that motion. He probably wasn't even told that he was going to kick his



own Bill 42 down the road. He was told to come in and move the motion at the start of the meeting before the discussion took place on e-petitions.

We had a very good discussion last week on e-petitions, and both Mr. Hillier and I felt that, in a very short period of time, we would actually make some progress. But the government House leader has assured us today that we will not make any progress, that he will insert himself beyond us deciding co-operatively how this committee is going to co-operate and going to deal with bills.

Regardless of what happened at a House leaders' meeting or didn't happen at a House leaders' meeting, he was very clear to me in the House that he didn't like what happened here with Ryan's Law or the election of the York regional chair or Mr. Barrett's bill that would deal with very important diseases, like Ebola and Lyme disease. He made it very clear to me that he was upset that we actually got some business done here in the Legislative Assembly co-operatively.

The message has been given to us on how Yasir Naqvi wants committees to deal with—it's his way or the highway, and I am frustrated.

**The Chair (Mr. Toby Barrett):** This committee does have an amendment before the original motion. Any further discussion?

**Mr. Randy Hillier:** Yes.

**The Chair (Mr. Randy Hillier):** Mr. Hillier.

**Mr. Randy Hillier:** This is not a prop, but I want the members of this committee to see. I mentioned in my last comments that others are watching, and our actions are noted and recorded.

This is a news story from the Ottawa Citizen today. I don't know if anybody read it. It's by a journalist named David Reevely. It's a report on the select committee that met last week. The headline is: "Apolitical Committee on Sexual Aggression Bogs Down in Politics." Obviously, this fellow read Hansard or watched, and the government does not look good in its actions.

That's the sort of thing that happens when all members—I mentioned that I was frustrated and that the opposition was frustrated, but I'm sure, Mr. Balkissoon, because you've been here long enough, and the same with Mr. Qaadri, that you see your own activities get frustrated as well, just as Mr. Ballard is now seeing his constituents' initiative on electing the York regional chair is being frustrated.

We are all being frustrated. At the end of the day, it is our constituents and society as a whole that are being frustrated when we allow Mr. Naqvi or any other House leader to purposely and arrogantly frustrate the actions of the members of this House and the members of this committee.

Once again, it will be noted. All of those arguments that have been advanced: There has been no substantive rebuttal of them, no rebuttal of the arguments. That will be noticed, and someday each of us will be called to account for our actions in this committee. I'm confident that my actions are defensible, justifiable and reasonable.

I can't say the same will happen for other members on this committee. Thank you, Chair.

**The Chair (Mr. Toby Barrett):** I'll remind committee members too, just to make sure we are speaking to this amendment, and in a respectful way. I think that goes without saying.

Any further discussion on this amendment to the motion?

**Mr. Randy Hillier:** Chair, could I get a 20-minute recess before any vote?

**The Chair (Mr. Toby Barrett):** If the members are ready to vote, then Mr. Hillier is entitled to call a recess.

**Mr. Randy Hillier:** And a recorded vote on our return.

**The Chair (Mr. Toby Barrett):** We'll have a recorded vote on our return. So 20 minutes.

*The committee recessed from 1402 to 1422.*

**The Chair (Mr. Toby Barrett):** We have a request for a recorded vote.

**Mr. Randy Hillier:** On the amendment to the motion?

**The Chair (Mr. Toby Barrett):** We're voting on the amendment to Mr. Ballard's motion, an amendment from Mr. Hillier.

#### Ayes

Clark, Hillier, Singh.

#### Nays

Balkissoon, Ballard, McMahon, Qaadri, Wong.

**The Chair (Mr. Toby Barrett):** I declare the amendment to the motion lost.

**Mr. Randy Hillier:** Chair, I'd like to move an amendment to the motion.

**The Chair (Mr. Toby Barrett):** Okay, we have a proposal for an amendment. Is this in paper form to be distributed?

**Mr. Randy Hillier:** Yes, I do have a copy of it in paper form. Maybe I should read it first.

**The Chair (Mr. Toby Barrett):** Yes, you could read it, and then I'll ask the Clerk to distribute it.

**Mr. Randy Hillier:** I move that the words "following the committee's previously scheduled consideration of Bill 12, Protecting Employees' Tips Act, 2014" be inserted after "Bill 56, Ontario Retirement Pension Plan Act, 2014" in the first sentence of Mr. Ballard's motion.

**The Chair (Mr. Toby Barrett):** The Clerk will get hard copies around to members.

While the Clerk is distributing the motion, Mr. Hillier, did you want to comment?

**Mr. Randy Hillier:** Sure, I'd love to comment on it. Many of these arguments will have already been heard and dismissed. Or maybe they weren't heard; they were just dismissed with the previous amendment.

I'll start off by saying that Bill 12, like the electronic petitions motion before, which had been agreed to be considered by this committee, is another one of those



bills that has been frustrated over the last couple of years. This bill was originally passed by the NDP member for Beaches–East York, Michael Prue, in the minority Parliament. It was referred to committee—

**Mr. Steve Clark:** This committee, actually.

**Mr. Randy Hillier:**—this very committee. Of course, the minority Parliament ended, and it was reintroduced a second time by a Liberal member for Beaches–East York, Mr. Arthur Potts.

This bill has been introduced by members of two different caucuses. It's been voted on twice by the House at second reading. It's been debated; it's been voted on. It's been approved by the House on two different occasions and referred to this committee on two different occasions.

Once again, we're seeing an attempt by this government to frustrate the expressed desires of the House. That is not the purpose of the committee. The purpose of the committee is to indeed facilitate and bring life to the expressed desires of the House through legislation. The Liberal members of this committee, at the direction of their House leader, are clearly once again trying to frustrate the will of our Parliament.

My amendment reasserts the supremacy of the bills that were already referred to this committee and agreed upon by this committee to be dealt with. Prior to Bill 56—and I'll say once again, there are other standing committees of this House that are not considering any bills at the present time. It was absolutely purposeful to refer Bill 56 to this committee and not to one of those committees that have nothing under consideration, purposeful to frustrate the desires of the House.

I'll put it this way: If we do not agree to this amendment to re-establish the programming considerations that this committee has already done—if we don't do it, this committee would be in dereliction. The members who do not support this amendment will be in dereliction of their responsibilities to their constituents. It will be dereliction of this committee's responsibilities to the House. And once again, committee members on the Liberal side will have their strings pulled by others and, in the process, as I said, will be derelict in their responsibilities to both the House and their constituents.

**The Chair (Mr. Toby Barrett):** Mr. Hillier, just to comment on “pulling strings”: That kind of goes down the road of puppetry, and I know I've been—

*Interjections.*

**The Chair (Mr. Toby Barrett):** Certainly I have been cautioned over the years not to use the word “Pinocchio” in the House. So we just don't want to go down that road.

**Mr. Randy Hillier:** I'll take that under consideration, Chair, definitely.

**The Chair (Mr. Toby Barrett):** I go to the government side now. Mr. Qaadri.

**Mr. Shafiq Qaadri:** Chair, a number of things: Again, with respect, as a licensed MD who is empowered to do physical exams, I have yet to find attached strings in any of my colleagues. So I can certify and would be

happy to write a doctor's note to that effect, to begin with.

Secondly, I would like to say with respect to my honourable colleagues that—

**The Chair (Mr. Toby Barrett):** Mr. Qaadri, what's good for the goose is good for the gander. I appreciate the lighthearted nature of your comment, but I feel obligated to make mention of that.

Please continue, sir.

**Mr. Shafiq Qaadri:** Thank you. With respect to my colleagues, what we're attempting to accomplish at this time is to bring forward what we feel is a very important piece of legislation, the Ontario Retirement Pension Plan. This will affect eventually, once formed, once passed, once amended etc., several million people across this province. As I did mention at the outset, there is a certain time urgency, a great deal of governance, administration and regulatory issues to be dealt with, and I would just, with respect, flag that for the committee's consideration.

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Qaadri.

We've had discussion on amendment number 2 to the motion from Mr. Ballard. Are there any further comments? Mr. Clark.

**Mr. Steve Clark:** Thanks, Chair. I appreciate the opportunity to speak. I was very excited back in February when we passed the programming motion to program this bill. I was on this committee in the previous Parliament, and I thought we dealt very co-operatively on programming government bills, private members' bills, Conservative private members' bills and NDP private members' bills. In fact, in the previous session, this was a bill by Mr. Prue, who was a member of the New Democratic Party—it was called Bill 49 at the time—and it went through this process, and unfortunately, wasn't passed within the minority Parliament before the House dissolved for an election.

1430

It was presented by the now-Liberal member for that same riding, Mr. Potts, and referred to this committee. As the opposition House leader, I get regular emails from men and women who are servers, who have expressed an interest in this bill which would deal with their tips. In fact, they were very happy and pleasantly surprised that this committee, in a co-operative vein, tabled this bill. I know some of them, to use the words that Mr. Hillier used earlier, were watching very closely when we put some specific parameters around when this bill would be debated. Again, I feel very strongly that this is a motion that we should support, and I will be supporting the motion.

I think we have to send a message that we can work co-operatively. I thought, on February 18, that we were doing something good, that we were able to accomplish the bills that were discharged to this committee, in addition to the priority of the government House leader. He called me prior to Mr. Ballard presenting the motion on e-petitions and expressed to me, because he knew my interest in e-petitions, the fact that it would be back on



this agenda. February 18, to me, was the way this committee should work, that we should be able to put down partisanship and work in partnership. For us to go through a two-hour session and be able to plan those three bills, plus carve out time for an e-petition debate and still have time at the end of the discussion to be able to debate something else, I think, was very important.

Now, as we did with the previous motion, we have changed the priority. I'm going to have to go back to the people who were excited about Bill 12, if the government does what they did the last time and puts their heavy hand down against this amendment, that this again will cause this very needed bill for workers in the province of Ontario—it will again be so close but not be attained. I think that sends the wrong message. I think the government's motion today and the fact that they, in a pre-meditated manner, decided to go directly against the cooperation that this committee had on February 18, to me, is just unconscionable. It just speaks to the fact that the government would rather create chaos with this committee than foster co-operation.

On behalf of the people that email me regularly as the opposition House leader and ask that Bill 12 be put forward for debate and for clause-by-clause consideration so that it would be in a form that it could be passed: I think this is, again, a bill that all three parties have agreed with. The changes that were made in the previous Parliament were certainly agreeable to Liberals, New Democrats and Conservatives. Again, I think we have a duty, in the spirit of co-operation that we had in the February 18 meeting, to pass this amendment and to move this bill forward.

I'll be speaking and voting in favour of the amendment on Bill 12 when you call the question.

**The Chair (Mr. Toby Barrett):** I'll go to Mr. Singh, then Ms. McMahon.

**Mr. Jagmeet Singh:** I have a couple of questions, a couple of concerns.

Mr. Chair, through you, Mr. Qaadri mentioned that this motion was particularly important because there is not exactly an emergency, but there is a time-sensitive nature to the first bill being passed so that the subsequent bills can follow, and there is some necessity for speed. I understand that.

If that was the case, really—and I'm saying this in a frank manner—everybody knew that this committee had a number of other bills in it. Members in this committee might be interested in having those bills move forward. There were three bills, in addition to an e-petition discussion, going on in this committee, which some members might be very interested in seeing move forward. But there are other committees that literally had no other business at all and there would be no reason for any member of those other committees to be concerned in any way to say, "No, we don't want this motion to proceed."

As the NDP, we absolutely support pensions. We 100% support them. We believe in them. Our leader put forward a pension plan in 2010, which, at that time, the Liberal government members voted against. But the point

being, we agree with this. We are in agreement with this plan, but it just doesn't make sense.

If you're truly concerned about moving in a quick manner, (1) to put it in a committee that has no other business, and (2) to get it done in a quick manner—if we had a subcommittee meeting we could discuss, "Hey, we're putting this motion forward. Do you all agree?" And it would be hammered out in subcommittee, come back into the committee and we'd say, "Let's go ahead." So to put it without really any notice in front of this committee doesn't add up. If the goal is to make it happen in a quick manner, this is probably the slowest and most inefficient manner in which to bring forward this motion.

Those two positions don't really match up. If it's important to have this go quickly, then why put it in a committee that has so much other work in it, where other members might be upset and might want their initial plans to move forward? Why not put it in a committee that had no other business whatsoever? It just doesn't make sense, so I'm curious about that.

If your government is not concerned about the timeliness of this motion and doesn't care for it to move in a quick manner, then I understand why you would put it in a committee that had three other bills in it. I'm questioning if it makes sense to say that we want this to move quickly but we're going to put it in a committee that already has other business in it.

My final point is that I also understand that the three bills are non-contentious. They're bills that everyone in the House supported or there was no open recorded vote against: the tip-out bill, the bill regarding Newmarket having more accountability in their municipal government and the idea of addressing zoonotic diseases. None of those three bills have any sort of partisan nature. They're all very good bills that are supportable. And e-petitions are also not a contentious issue, so I don't understand why anyone would be in any way wanting to stop e-petitions from moving forward. Governments are doing this. It makes sense for it to move forward.

I just don't understand. Given that these bills are non-contentious, given that e-petitions are non-contentious, why would you want to hold up that work by putting this bill in this committee when there are other committees that are not—if all other committees were packed with work, I'd get it. My colleague Ms. Thompson just indicated that her committee had no other business and they wrapped up today. Clearly, that committee would have been a good space for it. So I just don't understand the goal.

As New Democrats, we absolutely support pension plans. We're encouraged to see this move forward. I just don't understand the strategy, if that's the goal. There are ways to make that happen. I would be more than happy to sit down and discuss ways to make that happen. Clearly we're seeing that there's difficulty in getting it done here, but I'm sure we can find other ways to do it. Let's move ahead and get it done in a way that's efficient and effective.

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Singh. Ms. McMahon?



**Ms. Eleanor McMahon:** Thank you, Mr. Chair. I'm enjoying listening to the conversation and the various points of view that are being put forward. I was listening earlier to my colleague from Leeds–Grenville, who is certainly an excellent constituency MPP, one that I hope to learn from in my parliamentary career, as long or short as it may be.

I, too, have been hearing from my constituents. Almost one in five people in Burlington is a senior citizen, and they are preoccupied with savings rates and the future of young people and those who aren't saving. The ORPP is something that they want us to move forward with.

The associate minister came out to my riding. We did a round table with the chamber. I was the vice-president at the Canadian Chamber of Commerce and know those issues well.

And as a former waitress, by the way, I support the work that's being put forward by my colleagues in terms of a private member's bill. I remember those days. It was many years ago, Mr. Chair, but I still remember them—fondly, as it were.

Bill 56 is an extremely important piece of legislation. I know that some don't support it; we do. I know that my constituents are very concerned that we move forward on that bill.

In terms of the general government committee, I look forward next week to hearing Bill 31 and having two days of public hearings that are already scheduled. That was a piece of legislation that, while outside government, I worked on for over five years. Now, as a legislator, I'm looking forward to that.

Anyway, that's a different perspective, perhaps, than my colleagues, but one I thought was worth sharing.

**The Chair (Mr. Toby Barrett):** Ms. Thompson, then Mr. Balkissoon.

**Ms. Lisa M. Thompson:** Thanks very much, Chair. I just want to revisit this amendment that Mr. Hillier put forward. Mr. Hillier moves that the words “following the committee's previously scheduled consideration of Bill 12, Protecting Employees' Tips Act, 2014,” be inserted after “Bill 56, Ontario Retirement Pension Plan Act, 2014”.

1440

I wanted to revisit that amendment, because we need to really take into consideration the big picture that we have going on here. Honest to goodness, everyone who is connected to small business knows that Bill 56 is technically a tax on jobs and that this particular pension plan is not free money. It's money that's going to be coming out of individuals' pocketbooks and money coming out of the small businesses' bottom line.

With that said, I think there's some rich irony here, because Bill 12, with regard to protecting employees' tips, is very, very important, because the very people that will be positively impacted by Bill 12 need all the money they can get if they're going to be contributing to their own pension plan, as prescribed in Bill 56.

I think everyone sitting around this committee table would be well advised—and serving the people of

Ontario—if they pass this amendment and make sure Bill 12 gets dealt with in a proper, timely fashion, before this job tax comes back to the table.

**The Chair (Mr. Toby Barrett):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** I just had a question of clarification to the comments from Mr. Singh.

**The Chair (Mr. Toby Barrett):** To Mr. Singh, was it? Yes.

**Mr. Bas Balkissoon:** Mr. Ballard has presented a motion for us to deal with, but you seem to feel that it could have gone to subcommittee directly. Or are you interested in the committee sending it to a subcommittee today? That's what I want to clarify, because I didn't quite understand the drift of where you were going.

**Mr. Jagmeet Singh:** Sure. Two parts: One is that there are other committees that have no business in them whatsoever—

**Mr. Bas Balkissoon:** Yes, I understand that part.

**Mr. Jagmeet Singh:** Okay, so that would be one. The second is that if the members had seen the motion beforehand, as is normally the case, the normal course of action—there's a subcommittee meeting, and in the subcommittee meeting, members from each party meet and discuss the actual motion, and then it's not a surprise.

This is being debated now in this forum because it wasn't something that was discussed at a subcommittee meeting. Normally, in all the committees I've been on, any time there's a really substantive motion, that's something that's discussed at subcommittee. You work through it and then you come out of subcommittee and you can move ahead with it.

**Mr. Bas Balkissoon:** But this committee has to refer it to a subcommittee. It just can't go there.

**Mr. Jagmeet Singh:** Right, so we could do that, if you'd like—

**Mr. Bas Balkissoon:** So they presented it today for the first time. We had no choice.

**Mr. Jagmeet Singh:** Normally, if this was something that was going to be discussed, it could have been—a subcommittee meeting could be held any time, right? There's no requirement to have a motion to have a subcommittee meeting. Any time a committee wants to have a subcommittee meeting, it can agree to have a subcommittee meeting. That's a procedural thing, right?

**Mr. Bas Balkissoon:** The government associate minister stood up and referred it here. Really, who would have taken it to a subcommittee?

**Mr. Jagmeet Singh:** That's normal procedure, that you have a subcommittee meeting. The more important point is, if the government is concerned with having this bill move along in a speedy manner, why put it in a committee that has business instead of putting it in a committee that has no business? That would make a lot more sense, strategically. If your goal is to move this along quickly, to me, it would make sense to put it in a committee where there is no other business—if your goal is to move it along in a quick manner. If your goal is not to move it along in a quick manner, I understand why you're putting it here. But if the goal truly is to move it



along quickly, I would encourage you to put it into a committee where there is no other business, and certainly we can move it along quickly. We support this. As the NDP, we support this.

I'm just confused as to the strategy. Why put it in this committee when there are other committees that literally have no business? And some of them are not even sitting. They're not even active, because they have no business. That's my major question. Otherwise, whether you had a subcommittee meeting or not—

**Mr. Bas Balkissoon:** Unfortunately, with the House proceedings, we could not stand up and ask the minister why. Mr. Clark had the opportunity to discuss it at the House leaders' meeting. I wasn't there.

**Mr. Steve Clark:** It was already done. She had already tabled it.

**Mr. Bas Balkissoon:** Yes.

*Interjection.*

**The Chair (Mr. Toby Barrett):** Thank you for the question, and thank you for the answer.

I have Mr. Hillier on the list.

**Mr. Randy Hillier:** Just following up on the previous discussion, Mr. Singh made some excellent points. They were not addressed by the Liberal members on this committee.

And to Mr. Balkissoon's point, after this bill was referred to this committee when it passed second reading, yes, the subcommittee could have met and considered how it was going to deal with that referral by the minister of Bill 56. The government didn't call a subcommittee report. They didn't say, "Listen, we have a contradiction here. We have a logjam here. We have a government bill now referred to a committee that just a week earlier had programmed its activities for this session.

It behooves government members as to why that subcommittee wasn't called to say, "We want to work in a co-operative fashion. We want to work in the interest of timeliness and in an expeditious process." Instead, no subcommittee meeting was called and the government member, Mr. Ballard, introduces a motion without any notice to any of the opposition members today that disregards everything that we had agreed to.

As our NDP colleague said, if it was the government's intention to move this bill along in a timely, expeditious manner, that's the course of action they would have taken: they would have had a subcommittee meeting. I think there can be no other conclusion drawn that it is not the government's intention to move this bill along in a timely, expeditious manner.

The actions of the government today, through Mr. Ballard's motion—the objective and the purpose and the goal is to cause turmoil and chaos and to defeat that spirit of co-operation that had been so demonstrably shown just a short period ago. That's really the goal: to kill any co-operation, to run roughshod, to disregard and to just absolutely demonstrate contempt to the opposition in our role in committees. That really was the purpose of it. There can be no other conclusion, especially seeing that there have been no valid arguments presented by any

Liberal member of this committee today as to why it was done in that fashion. Everything is just put the hands up, and "Well, we were told, we were instructed. The minister said 'jump,' and we said, 'Of course we'll jump. Just tell us how high we have to jump, and we don't mind if we have to kick the opposition in the process.'"

**Mr. Chris Ballard:** Oh, come on.

**The Chair (Mr. Toby Barrett):** Mr. Hillier—

**Interjection:** It's true.

**Mr. Randy Hillier:** That's—

*Interjection.*

**Mr. Chair (Mr. Toby Barrett):** Mr. Hillier, I—

**Mr. Randy Hillier:** Okay. But I want to go back to one other comment here. I'm going to say this: When I first got elected in 2007 and started sitting on committees, I was really astonished as a newbie, as somebody who hadn't been experienced in committees before—but understanding, being somebody who is interested in parliamentary procedures and a careful observer of parliamentary procedures in various Commonwealth jurisdictions—I was really astonished to see the lack of interest by the government members in what the opposition members had to say. It goes back to 2007; that's when I was first elected. I spoke with many Liberal members of the day, and I said, "Why is it that whatever is said is discounted and dismissed and not heeded?"

**The Chair (Mr. Toby Barrett):** Mr. Hillier, again, we're having a discussion on your amendment. We'll stick to that amendment.

1450

**Mr. Randy Hillier:** Maybe I'll share that story—maybe I was getting a little bit off track with—

**Ms. Lisa M. Thompson:** I'm interested in the story.

**Mr. Chris Ballard:** Just a little? The track has been torn up.

**The Chair (Mr. Toby Barrett):** Order, order.

**Mr. Randy Hillier:** I'll finish that story some other time.

**Ms. Lisa M. Thompson:** Downstairs at the Ducks Unlimited reception.

**Mr. Randy Hillier:** You know what? After today's committee hearing, what I'll do is I'll get a copy of Hansard and on my next amendment, I'll finish off the story, possibly.

Anyway, Chair, I'm disappointed that there haven't been any valid arguments advanced by the Liberal members of this committee and that they're so willing to subvert the express desires of the House regarding Bill 12. All those people who work in the service industry and need protection on their tips, and that it has been introduced by both an NDP member and a Liberal member—and as my colleague from Huron-Bruce mentioned, this is a double whammy—

**Ms. Lisa M. Thompson:** It sure is.

**Mr. Randy Hillier:** —a double whammy for these people in the service industry that their wages are not being protected by not dealing with this bill that has already been referred to the committee, but, in addition to



that, supplanting it with a bill that will take further money out of their wages.

**Ms. Eleanor McMahon:** Oh, come on.

**Ms. Lisa M. Thompson:** No, it's true. That is true.

**Mr. Randy Hillier:** It is ironic—

**Ms. Lisa M. Thompson:** It's rich irony.

**Interjection:** It's opinion. It's an opinion.

**Ms. Lisa M. Thompson:** Well, and we're all entitled to our opinion.

*Interjections.*

**The Chair (Mr. Toby Barrett):** Committee.

I'll go back to Mr. Hillier.

**Mr. Randy Hillier:** Mr. Chair, I'll leave it at that, and I'm sure others will have some comments on my amendment to this motion.

**The Chair (Mr. Toby Barrett):** Further debate?

**Mr. Bas Balkissoon:** Mr. Chair, I think all my colleagues spoke on—the government ran on a platform that included the Ontario Retirement Pension Plan. It's a well-known fact. It was debated in the House. I think it has been supported by two parties, and the official opposition definitely was against what the government is doing. But the public voted overwhelmingly on that particular issue being on the Liberal platform.

**Mr. Randy Hillier:** They also voted for Arthur Potts—

*Interjections.*

**Mr. Bas Balkissoon:** It's here in front of us, and we're just requesting the committee to deal with it—

*Interjections.*

**The Chair (Mr. Toby Barrett):** Order.

**Mr. Bas Balkissoon:** —because it's a government initiative that the public asked for, and we believe that it's important that we move the agenda of the government forward as quickly as we can.

I hear the members on the other side, and we heard that Mr. Clark had his discussion with our own House leader. Obviously, there was disagreement and everything else. But we still have to come back to the one point: This committee is sitting to do business, and the request on the government side is to deal with the motion of the government, which is to deal with this bill and move it forward, schedule the public hearings, hear from the public. And as the member said, it's a double whammy to some people; well, they'll come here and tell us that. All of that will be recorded in Hansard. The government will have to take it under consideration as they move this bill forward.

This is not even the ORPP. This is just a framework document to move the plan forward. We're a long ways from the plan. The plan, as put in the government's plan, is a couple of years down the road. If we don't deal with it right now, because it has got a schedule that is already rolling, we're delaying everything.

My colleagues on the other side complain about the games that are being played, and, you know, it happens on all sides. In fact, if you look at Mr. Hillier's motion—and he mentioned that he has another motion to move—I

can see where he's going, that he's going to move motions to delay the whole process. If you stop to think about it, it's not us guys that are here who are losing anything. We're here day in, day out no matter what. It's the public out there who require this ORPP who are losing out.

*Interjections.*

**The Chair (Mr. Toby Barrett):** Order.

**Mr. Bas Balkissoon:** All the other bills are private members' bills. We support the private members' bills too; there's no question about it. All of us voted for it in the House.

**Ms. Eleanor McMahon:** Yes, we do support them.

**Mr. Bas Balkissoon:** We did vote for it. So I'm kind of struggling as to how far the members on the other side are willing to take today's argument forward. Luckily for this committee, Mr. Clark is here. He is the opposition House leader. The NDP House leader is not here, but I'm sure Mr. Singh will take it back to him.

What days of the week do you meet, Steve? Is it tomorrow? When you have your meeting today or tomorrow, raise the issue with the House leader. I just sat here for two hours, and we got zero accomplished other than to, I guess, voice our frustration with everything on all sides. I'm really struggling as to where we're going with this.

If Mr. Hillier has another motion after this one, we'll sit and debate that for another hour. He's clearly put forward that he has another motion. I listened carefully—

**Mr. Randy Hillier:** Yes, a few.

**Mr. Bas Balkissoon:** —so I know what your intent is: to just run the thing out until everybody is frustrated. You know, two wrongs don't make a right.

**Mr. Randy Hillier:** Withdraw the motion, and I'll withdraw the amendments.

**The Chair (Mr. Toby Barrett):** Mr. Clark, and then Ms. Thompson.

**Mr. Steve Clark:** Chair, I'll just answer, through you, to Mr. Balkissoon. We normally meet every Thursday; the House leaders have conversations in between.

Again, I spoke previously on the amendment, and now I'll speak on the process. There was a very deliberate decision by the House leader to present this motion at committee today, just like there was a very deliberate act by the House leader to ensure there was a motion tabled before the select committee last week.

As the opposition House leader, just scheduling a bill for public comment and clause-by-clause does not guarantee that the bill is going to pass. For some reason, the government House leader now wants us to consider a Wynne hearing and clause-by-clause. He's not negotiating in good faith if he thinks that by creating chaos at the Legislative Assembly committee, when we've had a co-operative committee meeting—we could have gone through our business, dealt with Bill 12, dealt with those other two bills, had, I think, a decision on e-petitions, and we still could have had time to deal with the government bill.

But instead of having that consultation and conversation, this is the motion we get tabled at this committee, with the direct intent by the government House leader to create exactly what happened today, and that was no decisions, that was no bills being decided upon. It was just a malicious act on his part, plain and simple, and I'll be bringing it up tomorrow at our committee.

**The Chair (Mr. Toby Barrett):** This committee adjourns in less than a minute, Ms. Thompson.

**Ms. Lisa M. Thompson:** Okay. I just want to close.

Mr. Balkissoon, you said two wrongs don't make a right. So here's your chance to lead by example. Support Mr. Hillier's amendment and get going on Bill 12.

E-petitions apply to so much. It connects the entire province together, my riding with eastern Ontario and southern Ontario, from turbines to Lyme disease to tip-outs—the list goes on and on. There is a role for e-petitions to play in 2015. I encourage all of you to go back to your House leader and say, "For goodness' sake, let's get all the committees running, so that we can do things in tandem."

**The Chair (Mr. Toby Barrett):** Thank you. This committee will adjourn, and we will continue discussion of amendment number 2, theoretically next week.

*The committee adjourned at 1459.*











## CONTENTS

Wednesday 4 March 2015

Committee business.....	M-45
-------------------------	------

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

Mr. Shafiq Qaadri (Etobicoke North / Etobicoke-Nord L)

#### **Also taking part / Autres participants et participantes**

Ms. Lisa M. Thompson (Huron–Bruce PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,

Table Research



AZON  
C20  
L20

M-8



M-8

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature



# Official Report of Debates (Hansard)

Wednesday 11 March 2015

# Journal des débats (Hansard)

Mercredi 11 mars 2015

## Standing Committee on the Legislative Assembly

Committee business

## Comité permanent de l'Assemblée législative

Travaux du comité

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 11 March 2015

Mercredi 11 mars 2015

*The committee met at 1305 in committee room 1.*

**The Clerk of the Committee (Mr. Trevor Day):** Honourable members, it is my duty to call upon you to elect an Acting Chair. Do we have any nominations?

Mr. Clark.

**Mr. Steve Clark:** It would be a great honour and a privilege for me to nominate my good friend Laurie Scott, the member for Haliburton-Kawartha Lakes-Brock.

**The Clerk of the Committee (Mr. Trevor Day):** Ms. Scott, do you accept the nomination?

**Ms. Laurie Scott:** Yes.

**The Clerk of the Committee (Mr. Trevor Day):** Are there any further nominations?

Seeing no further nominations, I declare the nominations closed.

Ms. Scott, please take your seat as Chair.

## COMMITTEE BUSINESS

**The Acting Chair (Ms. Laurie Scott):** Everybody awake? So we now—if the members are ready—are going to resume debate on the amendment by Mr. Hillier to the motion of Mr. Ballard.

Mr. Clark.

**Mr. Steve Clark:** The way I understand it, the amendment that Mr. Hillier moved—just so people are aware—was that the words “following the committee’s previously scheduled consideration of Bill 12, Protecting Employees’ Tips Act, 2014” be inserted after “Bill 56, Ontario Retirement Pension Plan Act, 2014.”

That’s the amendment we’re dealing with right now? We’re still debating the amendment?

**The Clerk of the Committee (Mr. Trevor Day):** Yes.

**Mr. Steve Clark:** I just again, as House leader for Her Majesty’s official opposition, want to speak in favour of the amendment.

*Interjections.*

**Mr. Gilles Bisson:** Sorry, I can’t hear anything—

**The Acting Chair (Ms. Laurie Scott):** Okay, can we just have some quiet here? Thank you.

**Mr. Gilles Bisson:** I’m sorry, Steve. I didn’t hear a word you said.

And just for the Chair, I’m temporarily subbing until our member shows up.

**The Acting Chair (Ms. Laurie Scott):** The Clerk is just going to make sure that’s okay. We’ll just wait a second here.

Would you like Mr. Clark to repeat?

*Interjections.*

**The Acting Chair (Ms. Laurie Scott):** Mr. Clark, please—

**Mr. Bas Balkissoon:** Start all over again.

**Mr. Steve Clark:** Check, one, two, check.

**Mr. Gilles Bisson:** That’s funny.

**Mr. Steve Clark:** Anyway, I just want to make sure I understand things correctly. The amendment I have in front of me, that Mr. Hillier moved, was that the words “following the committee’s previously scheduled consideration of Bill 12, Protecting Employees’ Tips Act, 2014” be inserted after “Bill 56, Ontario Retirement Pension Plan Act, 2014.”

That’s the amendment that’s on the floor. I just want to speak again in favour of the amendment. I just want members of the committee to know that, as the House leader for Her Majesty’s loyal opposition, I have continued to receive emails from servers throughout Ontario who are expressing their interest in having this bill go through the legislative process.

They saw some encouragement when this bill, as most of us know, was previously tabled by Mr. Prue from the NDP caucus. When Mr. Potts won in last year’s election, as we all know, he tabled this bill. I think people saw that as a very positive thing, that a Liberal member would continue with a bill exactly the way it was presented in the previous Parliament. They saw that as a signal, rightly or wrongly, that the government was committed to having this bill brought forward and given some legislative priority.

I think, personally, when I took the chair and we had a very co-operative discussion about having bills move forward through the legislative process, in addition to having some committee time devoted to e-petitions—I thought that was a positive.

Chair, through you to all the members of this committee: There are committees in this Legislature that have yet to do what we’ve been able to do, and that’s to co-operate on programming pieces of legislation forward.

I spoke yesterday to some of my members in the justice committee, who are very frustrated that there are bills that sit before them, and there has been no movement whatsoever by the three parties to be able to schedule time to debate the bills. So I think what we did here in the committee is very important.

1310

I continue to have individuals ask me whether they're going to get their one day of bill consideration where they'll be able to come here and give us their comments on this bill. I think it was a great move by this committee to be able to schedule Bill 12 into a programming motion. I just believe that we owe it to them, we owe it to the servers across the province, to move forward on that. We signalled to them, when we programmed this bill, that we were prepared to give it some legislative time, and I really believe that the amendment is in order and it's prudent, and I believe that it would be a very positive step for this committee to move it forward in this way.

I'll just place that on the record today for our discussion. I encourage all the members of this committee to consider the priority of this bill and allow this amendment to not just be debated today, but ultimately be passed so that we can advertise and really show our commitment to moving this bill forward.

Thank you for allowing me the chance to put that on the record, Chair.

**The Acting Chair (Ms. Laurie Scott):** Mr. Hillier has a motion that he'd like to speak to this—further debate.

You're on that too? Okay.

**Mr. Chris Ballard:** Thank you, Madam Chair.

**The Acting Chair (Ms. Laurie Scott):** Just a second. Is it okay?

**Mr. Randy Hillier:** I'll alternate. I'll defer to the mover of the motion; absolutely.

**Mr. Chris Ballard:** Fairly simple comments: I think I'll reiterate what I said last week about an earlier amendment, in that I don't want to couple this to Bill 56 in front of us. I think that we should take a vote on the amendment.

I know that Mr. Potts is continuing to advocate on behalf of that bill within his community and broader communities, but frankly I've heard from a lot of people who are very interested in seeing this government move ahead with Bill 56. They don't want it slowed down any further.

If we had moved things along last week, this would have been the first week of hearings. It's that important, I think, to the people of Ontario that to waste yet another week is two weeks too many. So I'll be voting against this, and I look forward to continuing moving Bill 56 ahead today.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Mr. Ballard. Mr. Hillier?

**Mr. Randy Hillier:** Thank you, Chair. Just to recap a little bit, I used some strong language last week when Mr. Ballard put this motion in front of the committee to basically subvert and obstruct the programming motion that we had all agreed to the week prior, where e-petitions would be scheduled and the three private members' bills would also be programmed for referral and consideration by this committee. Out of the blue, Mr. Ballard put this motion to obstruct the programming motion that we had already agreed to.

In addition to that, Chair—and I want to put this on the record for all members of this committee and the public—there had been agreement in principle by the House leaders that the Liberals would withdraw this motion by Mr. Ballard and that we would move the ORPP bill over to general government. By agreement in principle, it was also determined that we would go back to our programming motion of dealing with e-petitions and the three private members' bills.

That came to a crash just minutes before this committee started again—more shenanigans; more dicking around with the public.

**Ms. Eleanor McMahon:** Come on. You can't use those words.

**Mr. Randy Hillier:** Yes, I can.

**Ms. Soo Wong:** You can't use that language.

**The Acting Chair (Ms. Laurie Scott):** Mr. Hillier, watch your language, please.

**Mr. Randy Hillier:** I will.

**Ms. Soo Wong:** It's unparliamentary.

**Mr. Randy Hillier:** Well, it's unparliamentary—

**Mr. Bas Balkissoon:** Chair, point of order.

**The Acting Chair (Ms. Laurie Scott):** Mr. Balkissoon on a point of order.

**Mr. Bas Balkissoon:** I know you said something about his language, but I think he should withdraw that particular statement.

**Mr. Randy Hillier:** You're not the Chair.

**The Acting Chair (Ms. Laurie Scott):** Well, Mr. Hillier, I'll give you the opportunity, if you wish, to do it.

**Mr. Randy Hillier:** I will be cognizant of the vocabulary, but I will say this: The members opposite have and are continuing to obstruct the work of this committee. They're continuing to obstruct the expressed desire and will of the House. These bills have been passed—Bill 12 has been passed in two Parliaments now. It has been referred to committee twice now. There was agreement, agreement that everybody found acceptable, that this motion would be withdrawn—Bill 56 would be withdrawn from this committee, moved over to the general government committee, and we would get on with the business of the House.

As I said, minutes before this committee sat, that deal fell apart by nobody else other than the Liberals. Both opposition parties had agreed to the desires of the three House leaders, and now there has been a change in plans once again. When are the five members on the Liberal side of this committee actually going to take their job seriously and not prevent the express desires of the House to be dealt with? When are you going to come up with something that we can actually have trust and confidence in? When are we going to have some trust and confidence that a deal that is made to allow this committee to proceed is actually going to be honoured?

**The Acting Chair (Ms. Laurie Scott):** I just want to ask you, Mr. Hillier, to continue to speak to your amendment please.

**Mr. Randy Hillier:** Yes. This amendment, as my colleague from Leeds–Grenville has mentioned, as we've



mentioned previously, has been referred to committee twice now by the Legislative Assembly. All elected members from all parties have supported this endeavour. All members of all three parties on this committee approved a programming motion to deal with it. It's now being subverted.

I think if there is integrity in our democratic institution, when we say that we're going to do something, we'll stick to it and we'll do it. When we agree in this committee that we're going to do something, that the opposition parties have confidence that the words from the Liberal members will be adhered to, not just at the moment that they speak them, but the week after and the subsequent weeks after.

Anything less than accepting this amendment is purposeful in frustrating the desires of this committee. Thank you.

**The Acting Chair (Ms. Laurie Scott):** Further debate? I believe that Mr. Qaadri wanted to make some comments.

**Mr. Shafiq Qaadri:** Thank you, Madam Chair. I don't know if I can rise to the level of elegant language just displayed by my honourable colleague opposite, but I shall certainly try.

You spoke, first of all, about the three programmatic bills. I'd respectfully remind this committee that two of those three bills are ours. They are government bills. So there is an organization and, as well, an allotment for our government members to deal with their bills. But in our sense, the fact that we have a major plank of the election platform, the Ontario retirement pension program here, this is what we want to move forward. This can affect millions of individuals. I think, with due respect to all the bills that are before this committee—two of which happen to be, as I say, ours—we think that the retirement issue takes precedence.

The other thing as well, as my colleagues have mentioned, we respectfully do not wish to be tied with, for example, the amendment that you have brought forward, because we have a very aggressive legislative agenda. We were, as you will recall, three years in essential stalemate of a minority government here, and we had a huge amount of legislation which is still pending.

I would just again, with respect, perhaps quote one of your own former members, the honourable Ted Chudleigh, member from Halton, who said that government bills "take precedence." He said that, by the way, in this committee in the presence of Mr. Toby Barrett. I would hopefully try to either come in below or above the previously expressed language and simply say that in your desire to do the people's work, this is our take, this is our understanding of the people's work: a bill that requires proper hearings, which we should have been actually executing as of this moment, and allows us to move forward with the government, the regulatory and the administrative aspects of it—because it is, as you'll appreciate, Mr. Hillier, a huge undertaking to create an entirely new retirement system for the province of Ontario.

1320

**The Acting Chair (Ms. Laurie Scott):** Further debate? Mr. Balkissoon, you're next.

**Mr. Bas Balkissoon:** I was just going to listen to my colleague, but I have to say a few words.

I've sat on this committee for a long time. I sat last week and the week before. I'm very patient and I listen to what my colleagues on the other side state. I have to say that over the nine years that I've been here, I've always been respectful of my colleagues, no matter what party they're in. But when I see the party discussion deteriorating to what I call street language, it boils over in me that I need to say something.

I think we need to respect each other. The public sent us here with good intentions. There's nothing wrong with using diplomacy and language, but when you get to street language, it's an embarrassment to the public that's watching out there or seeing us perform, and I resent that. I think a little bit of respect will help us to go a long way.

The member across the way feels that if he really shows his temper and his aggression, we will fall below the table and let him have his way. Unfortunately, in politics, that doesn't happen.

**The Acting Chair (Ms. Laurie Scott):** Mr. Balkissoon, I have to remind you, as I had to remind Mr. Hillier, to speak to the amendment before us.

**Mr. Bas Balkissoon:** Yes. I've sat on this committee and many other committees. I've been in this Legislature for nine years. Private members' bills, we all know, during second reading in the House—the majority of them get approved by all parties, but very few of them see the light of day at the next stage. In fact, it's less than 5%. The argument being put forward by my colleague across the way about three private members' bills really doesn't sink in a whole lot with me.

I would say to you, I remember sitting on the poverty committee. The member was not here; it was an internal government committee. I can tell you that this was one of the issues raised at the table for folks in my riding, some kind of a benefits plan that would help them, because they were struggling to live on the COLA guidelines from the federal government and what we were paying in ODSP, social welfare, CPP and everything else. So this ORPP is very important to my riding.

I would say to you, Mr. Potts's bill is very important also, but you know what? I have two private members' bills of my own that I've introduced and debated, and they were important to me and they never went anywhere.

I'm seeing Bill 56 as a government bill. I see a better opportunity for it to get approved, and my community will benefit. I will tell you, I've discussed this with my colleague Mr. Potts, and he knows the government has to get its business done. So we're asking to deal with Bill 56.

I know my colleagues across the way probably have another issue which is probably not at the top of getting discussed here as to why we're delaying the process, but I think we should move on with business.



The most important thing is, we need to have respectable language and respect for each other in the committee.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Mr. Balkissoon. Further debate? I believe Mr. Singh wanted to make some comments also.

**Mr. Jagmeet Singh:** Sure. Thank you all. I wanted to just draw attention to this point. It's important to note that Mr. Qaadri highlighted the importance of the ORPP to the Liberal Party, and I think that's fair. It was one of the foremost pieces of your election campaign, and I understand that. In fact, as New Democrats, we absolutely see the necessity of a retirement plan for Ontarians. We realize very well that people are struggling to pay their bills to survive in this society. Particularly when they're older or approaching the age of retirement, people are in a very difficult position, and absolutely we need to do something about that.

To that effect, the leader of the Ontario NDP, Andrea Horwath, put forward a retirement plan as a private member's bill a number of years ago. We didn't receive support for that bill from the Liberal Party at that time, but we're encouraged that the party has now made this a priority—it's absolutely encouraging.

My only concern is this—I mentioned this on the previous date, and the motion was brought forward on March 4, 2015, by Mr. Ballard. My concern is this: We very well knew—I mean, members of the party were aware—that there were a number of bills in this committee. There were three private members' bills—not to say which is more important or not; let's put that to the side. But there were a number of bills in this committee. In addition, there was the piece on the e-petitions. That was in this committee.

There were other committees, at least three to four other committees, that were not even sitting but they were struck. There are Chairs; there are members named from all parties. So there are valid committees that are able to be up and running at a moment's notice.

What was the strategic decision—I'm just curious about that. If this bill is so important and this was such a priority—and it makes sense for it to be a priority—why, then, did the government not put this into a committee that wasn't tasked with any other duties? The government has the full right to choose whatever committee they want. You're welcome to choose this committee. To me, it doesn't make sense as a strategy to put it into a committee where there could be the potential that some members might be upset. It's not New Democrats who are upset, but I'm just curious: What strategy, what thought process, was the Liberal Party invoking when they decided to put it into a committee that had other business, as opposed to an empty committee which could easily have handled this issue?

That's my concern. As New Democrats, we're absolutely in support of an Ontario Retirement Pension Plan. We'd like to see this move ahead. In fact, we'd like to see this be put into a committee, perhaps, where there's

no other business so we can actually prioritize it in a meaningful way.

Those are my comments.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Mr. Singh. Further debate? I have a list going, so do you want to alternate?

**Mr. Steve Clark:** I'd like them to answer Mr. Singh's question, if that's possible.

**The Acting Chair (Ms. Laurie Scott):** Mr. Qaadri, you're on the list. Are you willing to answer?

**Mr. Shafiq Qaadri:** At the outset, first of all, we certainly welcome the NDP's support of this bill. We would respectfully invite it to manifest a little bit more prominently. I think this is perhaps, from the NDP's perspective, an opportunity to make late amendments, because neither did your election platform have the words "retirement" or "retirement pension plan" in it—I do acknowledge the perpetual claim that these existed previously—

**The Acting Chair (Ms. Laurie Scott):** Mr. Qaadri, I will ask you to speak more to the amendment.

**Mr. Shafiq Qaadri:** Right.

**Mr. Bas Balkissoon:** But he asked a question.

**Mr. Shafiq Qaadri:** Fine. With regard to this amendment, as I say, there are a number of government bills. We will offer them to the different committees in a priority sequence. We feel that this major election platform should be brought forward.

I might, with your indulgence, Madam Chair, also just clear up the myth that all these committees of the government are sitting idly. I am the Chair of the justice policy committee; we have a subcommittee meeting attempting to be scheduled for tomorrow. We have four bills before it. The Standing Committee on Finance and Economic Affairs has been in pre-budget consultations; general government is doing Bill 31 on Ontario roads; there's Bill 17, a private member's bill, the Protecting Child Performers Act, and Ryan's Law, Bill 20; regulations and private bills have been reviewing regulations, and so on.

I'd just like to clear up this myth of idle committees on standby, kind of on call.

**The Acting Chair (Ms. Laurie Scott):** I would just like to remind everyone to try and focus on the amendment that we have here before us. I know it's easy to get off topic, but if I could remind everyone who is going to speak to keep focus on the amendment.

Mr. Clark, you're next.

**Mr. Steve Clark:** Mine is a procedural question, Chair. Mr. Qaadri referenced some Hansard; that was at this committee. I just wondered if there was an opportunity for all the members to have the Hansard of that committee meeting that he was referencing. I'd like to see the context in which Mr. Chudleigh made those comments in front of Mr. Barrett. I wonder if there's an opportunity for us to take a bit of a break while that section is being copied and distributed to members.

**The Acting Chair (Ms. Laurie Scott):** Okay. I'll ask, is everyone fine—

**Mr. Shafiq Qaadri:** Madam Chair, if you wish to read the exact date, record-tracking information—



**Mr. Steve Clark:** No, I'm not asking that. I'm asking that we receive a copy of the Hansard of that committee meeting.

1330

**The Acting Chair (Ms. Laurie Scott):** Can we take the time for the Clerk to make photocopies to distribute to the members?

**Mr. Steve Clark:** I'd like the Hansard of the complete two-hour committee hearing that he's referencing.

*Interjections.*

**Mr. Steve Clark:** I believe it was in regard to a programming motion—

*Interjection.*

**Mr. Steve Clark:** No. I want to see the reference of the discussion.

**Mr. Bas Balkissoon:** We can provide the date. That's about it. You can go check it.

**Mr. Steve Clark:** Well, I'm not going to leave the committee and go check it, so—

**The Acting Chair (Ms. Laurie Scott):** We're just checking with Mr. Qaadri on the date of the—

*Interjections.*

**Mr. Shafiq Qaadri:** Chair, I have the information right here. If I have the floor, I'll speak.

**The Acting Chair (Ms. Laurie Scott):** Mr. Qaadri has the floor.

**Mr. Shafiq Qaadri:** Mr. Chudleigh, the former Progressive Conservative member from Halton, argued in the same committee, and Mr. Barrett was present, that government bills should take precedence over private members' public business in committee. This was made before the Standing Committee on General Government—Hansard, dated December 20, 1999. I have the information here.

**Mr. Steve Clark:** That's paraphrasing. Let's get the Hansard.

**Mr. Shafiq Qaadri:** A Hansard request is a question for research, not us.

**The Acting Chair (Ms. Laurie Scott):** I'm advised that we're going to continue with further debate while the request is being processed by the Clerk. He's got the date. Thank you, Mr. Qaadri.

Mr. Hillier, I believe you have the floor.

**Mr. Randy Hillier:** Thank you, Chair. A couple of the Liberal members mentioned the word "respect" during their commentary. I understand that respect is that you do what you say you're going to do. That's a key-stone to respect. If you want to earn respect, when you say that you're going to do something, you do it. If you say one thing and do another thing, that is not earning respect. That's what we have seen from the Liberal members in this committee. They told us one thing, voted on one thing, and then the following week did something very, very different.

What is an embarrassment is how cavalier the Liberal members take these amendments and take this committee. That is what the embarrassment is: when you tell people that you're being a representative and then you change your mind. So—

**The Acting Chair (Ms. Laurie Scott):** I do have to remind the member to please stick to the amendment.

**Mr. Randy Hillier:** Yes, I'll speak to the amendment. But I wanted to clarify some of those comments by the Liberal members about embarrassment and respect.

Chair, we all know that government bills take precedence. We also know that there are a number of committees that are not actually considering any bills at the present time. They may have some subcommittee meetings happening, but they are not considering bills, government or otherwise. If this government really took seriously and honestly its statement about the urgency and priority of Bill 56, the Ontario Retirement Pension Plan bill, they would have referred this bill to one of those committees that were otherwise unoccupied with legislative business. Indeed, that is what the agreement was by the House leaders up until about 12:55, about five minutes before this committee sat. Up until five minutes before this committee sat, there was room in other committees—that would not circumvent the desire of those other committees. There was an agreement that this bill would be referred to a committee that is otherwise unoccupied. Regardless of the government bill taking precedence, it does not take precedence over respect of one another in this committee or respect of one another in this House.

Bill 12—this amendment—is respectful of the decisions that this committee made two weeks ago. I'm going to hold and expect that the Liberal members on this committee will uphold their vote and will uphold their responsibility to this committee and to the people of Ontario.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Mr. Hillier. I believe Ms. Wong—if you'd like to make a comment, further debate.

**Ms. Soo Wong:** Thank you very much, Madam Chair. I believe Mr. Singh earlier asked a question about why this bill came to this committee. I recall last week, Madam Chair, that I asked the Clerk for clarification: Does the minister or any member of the House—when they discharge a bill, could it go to any committee? His answer was that a minister or members can discharge any bill to any committee. That's what his ruling was.

So let me remind the member opposite: It doesn't matter which committee. The fact is, it has been discharged to this committee—end of story. That's the right of the minister, and we heard it from the Clerk.

The other thing is, as the Chair of the Standing Committee on Finance and Economic Affairs, we know we have your colleague's "raise a glass" bill before the committee. Today, the Minister of Agriculture is discharging the bill about agriculture; it's going to the finance committee. We also know on convention that we do not refer bills, or this bill in particular, going to the standing committees on public accounts or estimates or government agencies. So when you start naming the names of all these other committees, that's not correct.

We just heard last week from the Clerk that a minister and any member of the Legislature has the right to dis-



charge any bill before the House to any committee. The associate minister decided to put it forth to this committee. This is where it is. So when you say they criticize about our not wanting to work, not being responsible, I don't think that's accurate.

I also want to challenge your comments. I think we listen. I certainly like to reach out and work with the opposition members at all times.

Thank you, Madam Chair, for the opportunity.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Ms. Wong. I believe Ms. McMahon would like to join the further debate. I, again, just reiterate: Please stick to the amendment that's before us. Thank you very much.

**Ms. Eleanor McMahon:** Thank you, Madam Chair. I did want to add to the comments of my colleague in terms of addressing Mr. Hillier's comments in particular.

I sense, Mr. Hillier, a general sense of frustration on your part. I know that your party doesn't support the Ontario Retirement Pension Plan. I also know that Ontarians across this province do. I also know that we were elected on this basis. That election is over.

The fact that you don't agree with the legislation should not be a reason for using delay tactics to allow us to discuss what Ontarians agree is a critically important piece of legislation in order that we can provide them with the kind of retirement security that they need and want. In my riding, one in five people is a senior citizen. They are worried about the future of their children and their lack of savings.

If you don't agree with that, Mr. Hillier, that is your right. But I would respectfully suggest—and there's that word "respect" again. You can tell us what your version is of respect, and I'm going to listen to you, as my colleague Ms. Wong just mentioned. We want to work with you, Mr. Hillier, but we are going to differ with you from time to time, and this is one of those moments. So I ask you to also listen with respect, as we have done with you.

You and I had a differing of opinion last week. I asked for you to withdraw and apologize, and you did. I thank you for that. So I would ask that we continue on that basis in order to adjudicate and continue to deal with the work that Ontarians sent us here to do, Mr. Hillier. Bill 56 is part of that conversation. Thank you, Madam Chair.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Ms. McMahon. I'm sorry; I missed Mr. Singh in the rotation. Over to you, Mr. Singh, for further debate.

**Mr. Jagmeet Singh:** Sure. Certainly. This is just a point of clarification just building on, if the government is serious about moving this forward—I just did a quick look at the other committees in terms of their agendas, which are available online. So certainly other committees do have agendas. They're doing other work; absolutely.

For example, regulations and private bills has an agenda. They are working on certain items. General government also has an agenda. They're working on various items. Public accounts, of course, is a separate committee that deals with a number of items. It wouldn't be the appropriate place for a bill, perhaps, in public accounts.

But there are two committees absolutely that do not have any legislative work before them at this point in time that are committees that are struck, that have a Chair, that have members, but have no agenda and have no business before the committee at this point in time. That's social policy and justice policy. That's two committees that, according to the online agenda, there are no agendas for, meaning those two committees are not right now dealing with any other work.

1340

While of course any member can refer a bill to any committee they want—I wasn't questioning their right to do so; I was questioning the strategy behind doing so when there are other committees—at least two, certainly. Government agencies also doesn't have any work before it, but the general use of government agencies isn't normally for a private member's bill—

**Mr. Bas Balkissoon:** No, they got Bill 31.

**Mr. Jagmeet Singh:** But government agencies doesn't have an agenda at this point in time.

**Mr. Bas Balkissoon:** They have Bill 31 referred to them.

**Mr. Jagmeet Singh:** They have it referred. A number of committees have bills referred to them, but they don't have an agenda struck, meaning they're not actually doing work at this point in time.

At this point in time, if the government wanted to move ahead, there are other committees that have work, but they're not meeting. They're not actually sitting with work in their committees. They're not meeting at this point in time. At least social policy and justice policy for certain don't have any agenda. They don't have any work in the committees. They don't have any bills in the committee that are being worked upon. Members are not meeting and discussing those bills at this point in time.

That was my point: There are other committees that this bill could go to that are actually not engaged in the work of the Legislature right now. That's a fact. That's why I brought that up.

**The Acting Chair (Ms. Laurie Scott):** I just want to remind the members of the committee that if we can have—I'm not hearing too much new in the last rounds of speakers, so maybe speak to the amendment for further debate. There's a bit of a list here still. Mr. Clark was in my queue. If I could ask him to speak.

**Mr. Steve Clark:** I want to thank you, Chair, for giving me the chance to speak.

I felt that was very good information that Mr. Singh gave. I know it's not on the amendment, so I just ask for your leeway. Through you to Ms. Wong: Perhaps she misunderstood some of the comments that we made about discharging a bill.

I just want you to know that, as House leader, I had one item that I put on the agenda at the House leaders' last week, one thing. I know that the other two don't like it when I talk about what we discuss at these meetings, and I appreciate that and they can chastise me later. All I asked was that this bill be discharged from this commit-



tee. I think it would be a lot better for this committee's discussions to be on these other bills, on e-petitions.

Mr. Singh was very eloquent in indicating that social policy had no business in front of it. This afternoon in motions, we could decide collectively—all three parties could agree—to put a motion on the floor to move this bill out of this committee and put it somewhere else. It could happen.

That was what I was trying to get at last week when we were here, that we work better when we can unanimously agree to something without all the confrontation. I firmly believe this: that our priority should be the co-operative bills and the e-petition discussion that we agreed to.

That is why, again, I support the amendment. I will vote for the amendment because it upholds that spirit. But I wanted to give you that other editorial comment just to know where I was coming from. That's the only thing I asked: Get Bill 56 out of this committee.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Mr. Clark. Now I have Mr. Qaadri, Mr. Ballard and Ms. Wong. Mr. Qaadri was up next, if that's okay with everybody on that side.

**Mr. Shafiq Qaadri:** Thank you, Madam Chair. We certainly welcome the spirit of co-operation expressed by Mr. Clark and look forward to moving on Bill 56, the Ontario Retirement Pension Plan Act.

I would just, with respect, like to address what my honourable colleague Mr. Singh said. Again, we certainly welcome your support. We would have hoped that maybe some issue with regard to retirement would have been in your election platform.

You've mentioned repeatedly that justice policy has nothing before it. I can state for you—and I've pulled the information—as the Chair of the justice policy committee, we actually have four bills before us right now: Bill 24, Bill 36, Bill 50 and Bill 70, the Highway Traffic Act, Trespass to Property Act, another subsection of highway traffic, as well as retirement savings, specifically by one of my colleagues, Mr. Rinaldi.

As I've said, we'd like to move forward on this. Yes, we'd like to invoke the spirit of, the mantle of, respect, co-operation, mutual co-operation etc. I think we've probably wasted enough time, we could have been in the middle of public hearings. The election, with respect, is over. There was a mandate, a platform, put forward by all parties, and I think that it's time that we acted on it. Thank you.

**The Acting Chair (Ms. Laurie Scott):** Again, before the other members speak, just please try and keep focused on the amendment that's before us. Mr. Ballard, you're next.

**Mr. Chris Ballard:** Speaking to the amendment as best as I can, Madam Chair—and thank you.

As I said earlier, I have concerns coupling Bill 56 together with any other bill. I think all of the bills that have been put in front of us are good and honourable bills, and all have received support of the House to move along. Just to restate, Bill 56 is a government bill, and I believe

that it takes precedence for two reasons: because it's a government bill, but more importantly because the people of Ontario have said they want to see this piece of legislation put in play.

I have to express some disappointment with, not only the opposition party, but the third party, using—to quote Mr. Hillier—procedural “shenanigans” to try and delay debate and public hearings on the Ontario registered pension plan. Again, had the committee been allowed to proceed last week, public hearings would have started this week. We would be that much closer to a pension plan for vulnerable seniors, come 15, 20 years down the road.

I'm delighted to hear that the NDP supports the legislation, but I am concerned about the discussion about “Why hasn't it been moved?” and “Why was it brought here?” It seems to me that it's delay, that it's inaction, that perhaps the third party doesn't want us to begin debates and public debates on this piece of legislation that they've said is very important. As my colleague said, the NDP didn't even mention retirement security in their platform. When asked about retirement security, their leader in the election said that the government should wait for a federal election. So again—

**The Acting Chair (Ms. Laurie Scott):** I'd just ask you to keep more to the topic of the amendment.

**Mr. Chris Ballard:** To the amendment, I don't want to see it coupled together with Bill 56. I think we need to move on with Bill 56 today.

**The Acting Chair (Ms. Laurie Scott):** Thank you very much, Mr. Ballard. Ms. Wong, you wanted to speak.

**Ms. Soo Wong:** I'm just going to go back.

I appreciate the comments made by my colleague opposite, Mr. Clark. I appreciate your history and some context about some deals that are supposedly made.

I don't believe our side has seen anything in writing, in terms of discharging this bill or what have you. Until I see something in writing, Madam Chair, I don't believe that there's a deal. Given the situation—what's before us is a motion, but more importantly, we need to get on to doing the people's business.

Mr. Clark, I appreciate you sharing with us what you just said, but I need to see it in writing from all three House leaders. I don't know, I haven't seen it. If you could share with us what you just disclosed, what you just said to us, in writing, that this bill has been discharged to whatever committee, that's it's been decided between the three House leaders, then I'm happy to consider it. If you could ask your colleague—because I think we have very important people's business to deal with.

**The Acting Chair (Ms. Laurie Scott):** I ask again: to speak to the amendment that's before us.

Mr. Hillier's hand is up, but Mr. Singh's hand was up before that. Is that okay, that I go to Mr. Singh? In the debate, can I just say to stick to the amendment?

**Mr. Jagmeet Singh:** Mr. Hillier moved an amendment to impact the order of the manner in which we proceed with the bills here. I think it's important then, reflecting on the order of the bills—it talks about the importance of the bills.



I'm going to put forward some facts: First, the Liberal Party brought forward a motion without any notice. Generally speaking, if you want an agreement from other people—if you have notice, if you discuss it, it's more likely to happen. There was no notice on your motion. That's just a fact.

**1350**

The second fact: You placed it in a committee, the choice by whomever. It's their right to choose the committee they want to put it into, but the fact is, this committee had an agenda. Other committees do not have an agenda. They may have bills that are in the committee, but they do not have an agenda. They're not meeting. This committee had business before it and was meeting. That's a fact. It's different from other committees. They may have had business, but they were not meeting. These are just facts.

Given these facts, bringing a motion without any notice, not discussing it beforehand, putting it before a committee that had an agenda as opposed to a committee that did not have an agenda, which means it's not meeting and not doing work—these are facts which can't be changed. These are just facts.

Given those facts, I think it's very clear that the Liberal Party is not serious about moving this bill forward. These are facts. If you were serious about it, you could have met beforehand, given some notice beforehand that this was the anticipation. That's genuine effort to make something happen: meeting beforehand as opposed to surprising the committee with the motion, one. That's factual.

Secondly, if you would have put this into a committee that did not have any other business in terms of an agenda—they weren't working on anything else—that would also be a clear indication of prioritizing a bill. To put it into a committee that had an agenda calls your priority into question. I'm just putting out the facts before you and the questions that are raised by it.

The third point is, there are three parties here. I've openly said I'm supportive of this pension plan. What other work do you suggest I do? There's nothing you can suggest. You're just making a comment without any substance because there's nothing additional to it. The government calls bills. The government decides to put it into different committees. The government has full control over this. It's very questionable for you to suggest that the third party is doing anything to delay when it's the government that's controlling the entire strategy. The government's controlling the entire rollout.

**The Acting Chair (Ms. Laurie Scott):** Okay, Mr. Singh—

**Mr. Jagmeet Singh:** The government's controlling where—

**The Acting Chair (Ms. Laurie Scott):** Thank you very much, Mr. Singh. We were a little off topic there. Mr. Hillier is up to speak to the amendment that's before us, please.

**Mr. Randy Hillier:** Yes. Just for some clarification as we get into the amendment here from some comments

that have been said—and I want to be very, very clear: This amendment and any discussion that I've had, in no way has my position on Bill 56 had any relevance to this amendment or any other discussion. In addition, it's not a case of losing an election or not. That has nothing to do with it. This is about respecting the decisions of the committee. That's what it's all about, respecting the decisions and the choices that we all made and that we all came to agreement on.

Just to Mr. Qaadri's point as well, social policy may have four bills referred to it, but it has not set an agenda. It has not agreed to look at any of them yet, unlike this committee where four different subject matters had been agreed to in sequence: e-petitions, Bill 12, Bill 27 and Bill 40. Anyway, we can—

**Mr. Steve Clark:** Bill 42.

**Mr. Randy Hillier:** Bill 42.

**Mr. Steve Clark:** Is that Mr. Ballard's bill?

**Mr. Randy Hillier:** Yes.

**Mr. Steve Clark:** Is that your bill?

**Mr. Chris Ballard:** Yes.

**Mr. Randy Hillier:** Okay. So Bill 42.

This amendment restates and reinforces the agreement that we had made. That's all. It has nothing to do about elections. It has nothing to do about being in favour of or opposition to Bill 56. It's about respecting what we had agreed to do.

I really don't understand how the members on the Liberal side expect any member in this committee to be co-operative and to have that spirit of co-operation when we make a decision together, an agreement together, and one side arbitrarily revokes it the following week. That's the essence of that amendment.

**The Acting Chair (Ms. Laurie Scott):** Unless anyone would like to add anything more to this debate, are you prepared—

**Mr. Randy Hillier:** Chair, may we have a 20-minute recess before the vote and a recorded vote when we return?

**The Acting Chair (Ms. Laurie Scott):** Members, are you ready to vote when coming back from the recess?

**Mr. Bas Balkissoon:** We have to.

**The Acting Chair (Ms. Laurie Scott):** Yes. I'm just making sure you're all okay. Okay, then: 20-minute recess.

*The committee recessed from 1355 to 1415.*

**The Acting Chair (Ms. Laurie Scott):** Thank you, everyone. We are now going to have a recorded vote on Mr. Hillier's motion. Would you like me to read it into the record again—Mr. Hillier's motion?

**Mr. Randy Hillier:** Amendment.

**The Acting Chair (Ms. Laurie Scott):** I'm sorry, you're right—Mr. Hillier's amendment.

Mr. Hillier moves that the words "following the committee's previously scheduled consideration of Bill 12, Protecting Employees' Tips Act, 2014" be inserted after "Bill 56, the Ontario Retirement Pension Plan Act, 2014."

A recorded vote was asked for, so all those in favour of the motion please raise their hands.



**Ayes**

Clark, Hillier.

**Nays**

Balkissoon, Ballard, McMahon, Qaadri, Singh, Wong.

**The Acting Chair (Ms. Laurie Scott):** The motion is lost. So we'll resume debate on the original motion, and I go to Mr. Hillier.

**Mr. Randy Hillier:** I'd like to move an amendment to the motion.

**The Acting Chair (Ms. Laurie Scott):** Mr. Hillier has asked to move an amendment to the motion.

**Mr. Randy Hillier:** My amendment reads: That the words "following the committee's previously scheduled consideration of Bill 27, Provincial Framework and Action Plan concerning Vector-Borne and Zoonotic Diseases Act, 2014" be inserted after "Bill 56, Ontario Retirement Pension Plan Act, 2014."

I have a copy that I'd be pleased to share with all members of the committee.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Mr. Hillier.

Mr. Hillier, I believe you have the opportunity to speak to your amendment as the Clerk is passing out copies to everyone.

**Mr. Randy Hillier:** Thank you, Chair. Maybe we'll just give a moment for everybody to have a copy of the amendment.

**The Acting Chair (Ms. Laurie Scott):** Okay. Mr. Hillier, you can begin.

**Mr. Randy Hillier:** Again, going back to the main motion which was introduced that would frustrate the agreement of this committee made earlier on the programming of bills, it's clear to me after the last discussion that, although the Liberal members of this committee are not interested in sticking to the agreement, and clearly they're not interested in advocating for their own bills—the previous amendment was Bill 12, which was a Liberal member's bill, Mr. Potts, representing Beaches–East York. It's clear that they are not interested in advocating for or promoting or representing their own members.

Bill 27 is a Conservative member's private member's bill by Mr. Toby Barrett. Bill 27 is a bill that deals with a very significant problem happening throughout Ontario: vector-borne and zoonotic diseases. I remember speaking to this bill when we did our original programming motion. At that time, I suggested that because it was a health-related bill and a bill that would alleviate and mitigate significant problems that many hundreds and thousands of people in Ontario are experiencing with vector-borne diseases such as Lyme disease—and I spoke with Mr. Ballard as well on this, at length. These diseases are debilitating; they are serious; they are chronic. People in Ontario are crying out for action by this Legislative Assembly on providing some level of assistance and

alleviating some of the very significant pain and injury that they are experiencing, and also significant costs that they are undergoing as well. Many people with these vector-borne diseases are needing to seek medical treatments outside this country, even for things such as diagnostics, let alone proper medications and treatments. So it's an important bill.

Back when we originally programmed the three private members' bills and the e-petitions, because we had agreement, we agreed to consider all bills in the order that they were referred from the House, even recognizing that the health concerns that are addressed by Bill 27 maybe should be given a somewhat greater priority. In that spirit of co-operation, we agreed that we would deal with the bills in the order of referral.

**1420**

We've seen from the previous discussion and debate that, as I said, the Liberal members are not willing to protect their own bills, are willing to allow their constituents to play second fiddle to the government bills. However, we're not prepared to play second fiddle. We're not prepared to roll over and not represent our constituents. This is indeed a very, very significant and important bill. I would appreciate if the members of this committee put Bill 27 first.

And I'll say to you, there will be no further amendments. If you agree to consider Bill 27 first, there will be no other amendments, and Bill 56 can be dealt with after Bill 27. We've already agreed that it would be three weeks of considerations on Bill 27.

We have hundreds and thousands of people who are affected by these vector-borne diseases, who are pleading and calling out for assistance and help from this government. It would be a grave disservice, in my estimation, if this committee turned its back on those people and said, "We don't care about the agreement that we had. The government House leader's desires outrank all other considerations."

Under the situation as it is right now, if the government continues to push for Bill 56 to be heard and considered by this committee, it is unlikely that Bill 27 would get any consideration at all in this committee, and that would be a grave disservice.

Actually, we have thousands of people who have signed petitions about this bill. They are desperately waiting to have this bill be considered at this committee and to make representations and delegations to this committee so that we can all have a greater understanding of the pain and suffering and financial losses that they are experiencing on a daily basis today.

I really do hope that the Liberal members of this committee will vote in favour of this amendment and not turn their backs on those people who are suffering from vector-borne diseases.

**The Acting Chair (Ms. Laurie Scott):** Further debate on the amendment before us? Mr. Clark.

**Mr. Steve Clark:** I do want to put a couple of comments on the record. The first is not on the amendment. I want to thank the Clerk for providing me with the



committee minutes from the Standing Committee on General Government held Monday 20 December 1999.

It was very interesting that Mr. Qaadri would quote from this committee when the ultimate decision of the committee—the way I read the entire minutes of that session—is that the bills before it would be discussed at subcommittee. This is very interesting given the fact that Mr. Ballard's motion is exactly the opposite of what that committee, in 1999—the committee that Mr. Qaadri so eloquently quoted from—ultimately decided.

I really want to thank him for the opportunity to review the minutes and to see, in the very last couple of paragraphs, the fact that if we had followed this motion, this bill to try to de-program our committee would have automatically gone to subcommittee and been discussed there. So even this document that is now before us confirms to me that the motion that Mr. Ballard tabled, while it may technically be in order, certainly isn't the way that government bills are normally dealt with. So I want to thank him, first of all, for allowing me to review the contents of this.

I do want to put some comments on the floor regarding the amendment. I want to share the views of Mr. Hillier. When I left the committee that day and we programmed this motion, I went back to my riding and I engaged a number of people who have been affected by Lyme disease, who were following the debate that took place in the House on the bill by Mr. Barrett and also some other members. I know some of the New Democrat members have been advocates for greater involvement by legislators into Lyme disease. I think it was Mr. Mantha, if I'm correct, who was leading the charge. I know many members, and I'm sure many members of this committee, have had petitions regarding the Lyme disease portion of this bill. I know I was surprised how my riding of Leeds–Grenville is almost ground zero.

I can't get over, first of all, how many people have been affected by the disease. I can't understand why we're not taking a more proactive approach. I get comparisons almost on a monthly basis with what's happening in New York state. You have to appreciate that my riding—I'm in a border community. I have got two international bridges at both ends of the riding. I have a lot of people, both for business and for pleasure, who travel across those bridges at Ivy Lea and at Prescott. They tell me, and they follow very clearly the legislation and the decisions that are happening in New York state, and they're asking me, "Why can't we take a more a proactive approach when it comes to this type of bill?"

They were pleased when I came back. I have to admit, Chair, to you and to the members of committee, that I engaged them afterwards and shared with them the plan that the committee set forward that day co-operatively. I have to tell you, they were very impressed that even in a majority Parliament, legislators were able to sit down in committee and actually plan out bills that they felt meant something to them.

They realize that private members' bills—I've sort of indoctrinated them against the fact that since Confedera-

tion—I think the figure is about 3% of private members' bills that get introduced by an MPP ultimately get passed into third reading. I'm probably a bit of an anomaly because I've had some success in getting private members' bills passed. However, there was genuine excitement from my constituents that this bill was being programmed.

Like Mr. Hillier, they wanted to come to committee. They wanted to share their stories with committee. They realized that even with the days we programmed—many of them felt that that was not enough time. I tried to explain to them the procedures that we have for committees and for hearings, the fact that they are able to not just appear and have their moment at Queen's Park, but they could also communicate in writing to the Clerks.

I believe this is a big priority for the Ontario Legislature. I've told Mr. Barrett this, and I'm so sorry that he couldn't be here today—not that I don't love to have you in the chair, Madam Chair, but I know that if he were here, he would want someone else to be in the chair so that he could debate this. He's done a tremendous amount of work. Anyone who knows Toby Barrett, the member for Haldimand–Norfolk, knows that he takes a lot of time when it comes to tabling a private member's bill. He's a stickler for detail. I know that he would support this, because that's why he moved and became part of that discussion to program the committee: He felt a frustration in the last session before the winter break that he was unable to get this programmed.

1430

I know he left that day very happy that he could go back to his stakeholders and engage them and give them a date or a range of dates that this was available. Now, whether that was right or wrong, I did the same thing. But I think we owe it to our constituents all across Ontario to give this very important bill that affects people's health—and I'm looking at the member for Scarborough–Agincourt when I say that because I know, like you are, Chair, she's a very passionate health care professional. This bill should have some time. This bill should be given an opportunity to go through the legislative process.

I agree wholeheartedly with the member for Lanark–Frontenac–Lennox and Addington. I beg the members to support this motion so that we can actually reaffirm our commitment to this bill, to our constituents and to the people of Ontario. This is a big deal, and I think we need to make sure it moves forward. That's what I'll put on the floor for now, Madam Chair.

**The Acting Chair (Ms. Laurie Scott):** I have Mr. Qaadri, then Ms. McMahon and then Mr. Ballard. Mr. Qaadri.

**Mr. Shafiq Qaadri:** First of all, I would just like to cite the request from Hansard research that was made earlier that Mr. Clark made reference to. It's actually an exact parallel situation. There were three bills that were before this committee. Mr. Chudleigh, in committee, said, "We may be given a government bill, and that would take precedence." By the way, that is precisely what happened. Three government bills were debated,



and displaced an opposition bill—they were, by the way, Bills 101, 68 and 37, and we can invite Hansard to research that one more time, if necessary. It's actually an exact parallel: There were three bills before that committee; they were displaced with the government bill taking precedence.

So I would just respectfully suggest that—first of all, we certainly acknowledge the importance of zoonotic diseases and vector-borne, whether it's parasite or mosquito etc. As a physician, I would certainly support that.

But government is the art of prioritizing. As I recall, I don't believe that was part of your platform, unless it involved the firing of the 100,000 individuals. But I would suggest that we move on to—

**Mr. Steve Clark:** Chair, come on.

**The Acting Chair (Ms. Laurie Scott):** Mr. Qaadri, on the amendment—

**Mr. Steve Clark:** Here they talk about decorum and—

**The Acting Chair (Ms. Laurie Scott):** Mr. Clark, you don't have the floor, either, now.

*Interjection.*

**The Acting Chair (Ms. Laurie Scott):** Mr. Clark.

Mr. Qaadri, are you finished?

**Mr. Shafiq Qaadri:** Thank you.

**The Acting Chair (Ms. Laurie Scott):** Okay. I have Ms. McMahon next.

**Ms. Eleanor McMahon:** I do want to speak to the item on the floor, the amendment. Earlier in our discussion, I had characterized the procedural blaze and shenanigans that we're all party to today from the other side as a consequence of their dislike of Bill 56, the Ontario Retirement Pension Plan Act, which of course virtually everyone on this side and others have indicated is an ongoing priority of Ontarians. When I raised that, Mr. Hillier was quick to point out that these delays were not to be construed as a lack of support for Bill 56 or to be confused therein.

I would say the same as regards Bill 27, which received unanimous support in the House. In fact, we continue to support the bill, and the Ministry of Health is already doing many of the things that the bill calls for. There's no one on this side saying that we don't have great respect for Mr. Barrett and his work or for this bill. We just had a public health physician who sits on this side of the House on this committee reinforce that our government cares deeply about zoonotic and vector-borne diseases. So by the same token, right back at you.

We're not saying that we don't like Bill 27, that we don't support it or, in fact, that we don't have great respect for Mr. Barrett, all of which we do. I just want to underscore that and make it clear to you in the same way that you took the opportunity to make it clear to me that the delays here are not to be construed with a lack of support for the Ontario Retirement Pension Plan. By the way, if in fact you do support it now, hale and hearty and good on you because that's where most Ontarians are.

**The Acting Chair (Ms. Laurie Scott):** Mr. Ballard would like to participate in further debate?

**Mr. Chris Ballard:** We'll try and advance the debate.

I chuckle with the members opposite and the manufactured indignation. I understand it's all part and parcel of what goes on here. But really, the Tories are on the record as changing committee agendas at all times, a number of times, and I'd be quite happy to find some examples, Madam Chair, of when members opposite have, at the committee level, changed the agenda.

We've done nothing wrong. This is how committees work. You have the ability to readjust agendas as priorities change.

I think when Bill 56 was put in front of us, when it was moved and sent to this committee, those of us on this side recognized that it's an important and critical piece of legislation that the vast number of Ontario residents agree with. We need to get on with public hearings. We need to get on with moving it forward. I was delighted to see that the NDP voted with us in defeating the last motion from the PCs that would have delayed that even further.

I think I'll leave it there for now, but I just want to reiterate that this is how committees operate. We can change the agenda, and we need to change the agenda, to be flexible, to move Bill 56 ahead.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Mr. Ballard. Ms. Wong is next on the further debate list.

**Ms. Soo Wong:** Thank you very much, Madam Chair. I appreciate the comments made by my colleague opposite, Mr. Clark. When we were debating Bill 27, I recall speaking in support of the bill. I also made reference in my debate in the chamber that a number of public health units, including here in the city of Toronto, and the Ministry of Health through the public health agencies of Ontario, already have an effective strategy in terms of education and promotion.

Just on that whole conversation about health promotion activity—this is what the proposed legislation is all about—we recently lost a giant in public health, Madam Chair, just so you know. Dr. Peter Cole, the former medical officer of health in the region of Peel, just passed away. He had been at the forefront when it came to public health, prevention and health promotion stuff.

So for the member opposite to say that we need to move forward, as if nothing has happened, that's not true. I speak to my colleagues at Toronto Public Health on a regular basis. I speak to my colleagues across the province on public health. If you go right now—go on the city of Toronto website, okay? I challenge the member opposite. On the city of Toronto website, it says right there on the home page about Lyme disease and all the support and education mechanism.

Yes, we understand this passion for this particular bill, but we also saw the Clerk share with this committee what happened back in 1999 when the official opposition was the government of the day, and we saw what the Chair of the committee at that time said, as well as Mr. Chudleigh.

So to say that I'm not interested in this particular bill, Mr. Clark, that's farther from the truth. You know I take health over anything I deal with here in this chamber. To say that we're not doing anything, I would say that you're maybe siding on the fact that—you're disparaging some of the public health units, and I don't think you want to do that, okay? Every day, my colleagues at Toronto Public Health and across the province of Ontario are dealing with Lyme disease and vector-borne stuff. If you believe these are going to be effective policies and what have you, this conversation needs to be national, because bugs and insects do not have boundaries. So the conversation not only is in our committees, but also in the chamber. But to say that I'm not interested or that this is something we want to further delay, that's farther from the truth.

I think the important part that I want to advocate is the fact that we have my colleague Mr. Ballard's motion and I want to see us, in the next 20 minutes, have some resolution to that piece. Thank you, Madam Chair.

**The Acting Chair (Ms. Laurie Scott):** Thank you, Ms. Wong. Mr. Hillier: Further debate?

**Mr. Randy Hillier:** First, I just want to respond to some of the members' comments.

Mr. Qaadri suggested that politics is the art of priorities. I always understood that the real quote was "Politics is the art of compromise," and we've not seen any compromise whatsoever from the Liberal members.

As I suggested in my opening remarks on this amendment, if they were prepared to accept this amendment, I would not put forward any further amendments to Mr. Ballard's motion—maybe, while Mr. Qaadri is looking at the laptop, he can look up "the art of compromise," not just "the art of priorities."

Going back again to Eleanor's comments that there needs to be respect—respect for agreements. How can you suggest otherwise when we have agreements and then they're arbitrarily broken and obstructed? That is not the way to do things, not in my books anyway. I would suggest, if we want to see Bill 56 move forward that, when there are agreements and commitments made by this committee, they're adhered to, that we have some conviction to uphold our agreements.

I spoke with Mr. Ballard, as I've spoken with many people, and Lyme disease and other vector-borne diseases are a significant problem. He mentioned that he has many people in his riding who are affected and who are suffering the effects of Lyme disease. So how you can suggest that that is not a priority, and that they should be

left by the wayside—after we have agreed to deal with this bill.

Finally, to Ms. Wong's comments: It sounds to me that she's already made a determination that Bill 27 has no place—speaking of commitment to working cooperatively and whatnot. It's clear from her comments that Lyme disease is not injurious to the people in this province, that the financial hardship that they're experiencing really is of no concern to Ms. Wong. As long as the public health unit says that life is good, then life is good for Ms. Wong. I can tell you, I've had many, many meetings in my riding and throughout rural Ontario where hundreds of people have attended, who are just absolutely devastated. Their families are facing absolute ruin with the debilitating effects of these vector-borne diseases and the lack of medical attention and treatment that they're getting. To suggest that we should not have compassion, because the public health unit says everything is okay, is just not—

**The Acting Chair (Ms. Laurie Scott):** Point of order, Ms. Wong.

**Ms. Soo Wong:** Madam Chair, I never said what the member opposite said. I would appreciate, if you're going to quote me verbatim, please correct the facts—because I don't recall that I ever said that just now.

**Mr. Randy Hillier:** I was paraphrasing, and that's clearly what was heard.

**Ms. Eleanor McMahon:** Generously paraphrasing. Distorting is more like it.

**The Acting Chair (Ms. Laurie Scott):** Okay. Thank you. Mr. Hillier, you've heard the point of order from Ms. Wong, so I would appreciate—

**Mr. Randy Hillier:** —it appears that it's okay for the Liberals to distort my comments, but it's not okay—

**The Acting Chair (Ms. Laurie Scott):** If everyone can speak to the amendment that would be appreciated. Thank you very much.

Mr. Hillier, you still have the floor.

**Mr. Randy Hillier:** I'll call for a vote and a 20-minute recess—a recorded vote, Madam Chair.

**The Acting Chair (Ms. Laurie Scott):** Are the members ready to vote?

**Mr. Bas Balkissoon:** We're ready.

**The Acting Chair (Ms. Laurie Scott):** Seeing the time is almost 2:45 p.m., the vote will be the first thing to take place at the next meeting of the committee. We're adjourned.

*The committee adjourned at 1444.*





## CONTENTS

Wednesday 11 March 2015

Committee business..... M-59

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

Mr. Shafiq Qaadri (Etobicoke North / Etobicoke-Nord L)

#### **Also taking part / Autres participants et participantes**

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Mr. Jeff Parker, research officer,  
Research Services





M-9

M-9

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 25 March 2015

## Standing Committee on the Legislative Assembly

Committee business



# Journal des débats (Hansard)

Mercredi 25 mars 2015

## Comité permanent de l'Assemblée législative

Travaux du comité

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 25 March 2015

Mercredi 25 mars 2015

*The committee met at 1304 in committee room 1.*

## COMMITTEE BUSINESS

**The Chair (Mr. Toby Barrett):** We reconvene the Standing Committee on the Legislative Assembly for the purpose of organization. It sounds familiar.

**Ms. Soo Wong:** I hear an echo.

**Mr. Gilles Bisson:** I move that Randy Hillier become the Chair of the committee.

*Interjection.*

**Mr. Gilles Bisson:** That's not what we're doing?

**Mr. Randy Hillier:** No.

**Mr. Gilles Bisson:** Oh.

*Interjections.*

**The Chair (Mr. Toby Barrett):** Committee, as I understand it—and I did not chair the last meeting—normally, we would be voting on the amendment of Mr. Hillier to the motion of Mr. Ballard regarding Bill 56. I might ask the Clerk to just briefly explain where we're at right now.

**The Clerk of the Committee (Mr. Trevor Day):** In the last meeting, we were awaiting a vote on Mr. Hillier's amendment to Mr. Ballard's motion on Bill 56. Since that last meeting, the bill has been discharged from this committee and sent to another committee. Therefore, Bill 56 is no longer before this committee, and I'm assuming that the Chair is about to rule both the amendment and the original motion out of order.

**The Chair (Mr. Toby Barrett):** On behalf of the whole committee and as Chair, I think I would rule that both the amendment and the motion are out of order. Thank you.

The next order of business: Seeing none, I open the floor for any new business.

**Mr. Steve Clark:** Chair, we had a motion before the committee, which I believe the Clerk is handing out, that programs a discussion for a finite period of time before the committee, that being the finite three-week discussion of e-petitions, and then the committee would deal with the three private members' bills that were part of the motion several weeks ago. My understanding was that after we dealt with those three bills, there would still be an opportunity for us before the House rises to have another discussion, if we don't come into some consensus on moving forward.

Certainly from our perspective, Mr. Hillier's and my perspective, based on the discussion we had on e-petitions, we do have a motion that he would like to table regarding e-petitions. But I'm just wondering if the Clerk could tell us, based on the motion that we passed on February 18, what would be the schedule for this committee from now until this motion has been satisfied.

**The Chair (Mr. Toby Barrett):** Everyone has before them a page that was passed on February 18—

**Mr. Gilles Bisson:** This hasn't been passed, it says.

**Mr. Steve Clark:** It's been passed.

**The Chair (Mr. Toby Barrett):** —carried February 18.

**Mr. Steve Clark:** Through you, Chair, to the Clerk, can he go through the schedule for this committee based on the motion that was passed on February 18?

**The Clerk of the Committee (Mr. Trevor Day):** I will try. What we have is, this was passed on February 18. We would have had the order of business set on February 18. February 25 would be considered e-petitions week 1 and March 4 would be e-petitions week 2. According to this, there is a revisiting of the schedule after two weeks of e-petitions, which—because we really didn't move any further on that second week, the 4th, the motion for Bill 56 was first introduced. The committee then moved to the motion on Bill 56 on March 4 and the motion for Bill 56 on March 11. We now find ourselves with that motion gone.

We are sitting after two weeks, roughly, of e-petition work. According to this, the committee will revisit its schedule with, potentially, at least another week of e-petitions, depending on the outcome of the committee, before it moves to these other bills, as I read it.

**The Chair (Mr. Toby Barrett):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** Did I hear you say we had two weeks of e-petitions? Because I thought we only had the Clerk on the one week. In the original week, the first week, we discussed programming, what we were going to do.

**The Clerk of the Committee (Mr. Trevor Day):** What I've got—and again, this is subject to checking—this was carried on the 18th. We had the 25th meeting on e-petitions—

**Mr. Bas Balkissoon:** Right. And the Clerk was here.

**The Clerk of the Committee (Mr. Trevor Day):** That's correct.

**Mr. Bas Balkissoon:** So that's the first meeting on e-petitions, in my mind.

**The Clerk of the Committee (Mr. Trevor Day):** On the 4th, we had scheduled a meeting on e-petitions at that time, and the motion on Bill 56 started. So the definition of how much was e-petitions and how much was Bill 56 is open for interpretation.

1310

**Mr. Bas Balkissoon:** Right. In my mind, it's one week.

**Mr. Gilles Bisson:** So you've done one week on e-petitions.

**The Chair (Mr. Toby Barrett):** Mr. Hillier.

**Mr. Randy Hillier:** Just for clarification—hopefully it's clarification. If you look at the motion that was adopted on February 18, and we take out the e-petition component of it, it had seven weeks of hearings on the three other bills. We did consume a number of weeks talking about Bill 56 instead of e-petitions. Looking at the legislative calendar, I believe we have nine more sitting weeks until we rise in June. So we can still accomplish the seven weeks that we've put forward in the February 18 motion if we dispense with the e-petitions considerations fairly rapidly.

With that in mind, Chair, I would like to table a motion regarding e-petitions and get us back onto the schedule.

**The Chair (Mr. Toby Barrett):** First of all, I don't think you asked the Clerk about the timeline, the nine weeks.

**Mr. Randy Hillier:** If my timelines are incorrect, then maybe he can correct that.

**The Clerk of the Committee (Mr. Trevor Day):** What I am seeing right now, including this meeting, so March 25 being the first, are nine more potential meeting dates, including this meeting today.

**Mr. Steve Clark:** That's what Mr. Hillier said.

**The Chair (Mr. Toby Barrett):** Do you want to read in your motion?

**Mr. Randy Hillier:** Okay. So my motion is—

**Mr. Gilles Bisson:** I thought we were still on this here—just before you get to that motion, because there was a point that I wanted to make to this.

**The Chair (Mr. Toby Barrett):** Would that be—yes?

**Mr. Randy Hillier:** Well, that motion has already been carried.

**Mr. Gilles Bisson:** No, no. But I wanted to discuss this—

**Mr. Randy Hillier:** I'll defer to—

*Interjection.*

**Mr. Gilles Bisson:** Yes, I understand. I just wanted to make a point in regard to that.

I understand that it's been voted on in committee; I understand the process and I know where we're at. But it just seems to me that what essentially now you have—because when you made that decision, those were the bills that were before this committee. There were two Liberal bills and one Conservative bill. We've since then had two other bills referred to this committee, one

Conservative bill and one New Democratic bill. I would ask for a friendly amendment, that if we're going to do two weeks on each of the bills, we do one from each caucus, now that we actually have a bill referred to this committee. So there would be one Liberal bill, one Conservative bill and one NDP bill. So I'd like to propose a motion to amend the February 18 motion, that we actually reflect that. It seems to me that that would be fair. Everybody gets a kick at the can.

**Mr. Randy Hillier:** I'm going to go on a point of order. I thought that was—I deferred because there was a clarification. I would kindly ask the Chair that I had requested a motion to be tabled first and that my motion be heard first.

**Mr. Gilles Bisson:** I have no objection to hearing your motion. My point is, I don't want to let the opportunity go, that the committee business is now—if it moves forward as proposed by the February 18 motion, I ask that it be amended so that in fact there is a bill from each caucus that is dealt with within that rotation.

So we want to deal with yours first? I'm fine.

**The Chair (Mr. Toby Barrett):** So let's hear Mr. Hillier's motion, and, if need be, Mr. Bisson, perhaps an amendment to that motion would be in order.

**Mr. Gilles Bisson:** Yes, because we're now discussing the last point of the motion on February 18, right? So it says that the committee revisit—anyway, okay.

**Mr. Randy Hillier:** Okay. I move that the Standing Committee on the Legislative Assembly recommend to the House that the assembly permit the tabling of electronic petitions that mimics the current process for paper petitions; and

That any signatures on any petition can only be collected on a member's official legislative website; and

That the format of the electronic petition be presented to the Legislature in printed form, including the individual's full name, email address, mailing address and phone number, as well as the full-text copy of the petition that has been signed; and

That the electronic petition process be implemented on a trial basis up until the end of the fall legislative session of 2015.

**The Chair (Mr. Toby Barrett):** We'll get copies of this motion. Now, my understanding is, we were discussing scheduling before this motion.

**Mr. Randy Hillier:** My understanding is that we—

**Mr. Gilles Bisson:** That's why I was trying to make an amendment on scheduling.

**The Chair (Mr. Toby Barrett):** So the motion is on the floor. Let's have a five-minute recess for a copy.

*The committee recessed from 1315 to 1320.*

**The Chair (Mr. Toby Barrett):** We do have a motion on the floor which was read in by Mr. Hillier. I saw some indications of discussion—

**Mr. Bas Balkissoon:** I had my hand up.

**The Chair (Mr. Toby Barrett):** Oh, I'm sorry.

**Mr. Bas Balkissoon:** I think Gilles had his hand up first. I was second.



**Mr. Gilles Bisson:** Yes, are we talking to Mr. Hillier's motion now?

*Interjections.*

**The Chair (Mr. Toby Barrett):** We should allow Mr. Hillier to speak to his own motion first.

**Mr. Gilles Bisson:** Yes, not a problem.

**The Chair (Mr. Toby Barrett):** Then Mr. Bisson and then Mr. Balkissoon.

**Mr. Randy Hillier:** Thank you, Chair. As we all know, we've discussed electronic petitions for a few years in this assembly, and we've heard from the Clerks. A significant amount of analysis and evaluation and considerations have been provided. I've tabled this motion, which I believe meets with the spirit of those discussions and limits any negative consequences or unknowns that were explained to this committee.

This motion, as it states, would mimic the existing system completely. There would be no new costs borne by the assembly. The same safeguards that are in place for the paper petitions are included and encapsulated with the electronic petitions. The safeguard is further reinforced by no alterations in the process of what happens after a petition is tabled in the House.

I've also done this in a spirit of co-operation, that we implement and try it for a period of time which I think is reasonable, but that it is indeed a pilot project, a trial basis, and that this committee or the House would be able to evaluate it or make changes in due course.

It's also worded, in the proper fashion, that this assembly recommends to the House. We can't unilaterally alter the standing orders, but our jurisdiction and our responsibility here is to investigate, examine, evaluate and make recommendations to the House.

That's my statement on this motion. I hope you find that it considers all those discussions that we've heard from professional people, and that it is in keeping with the idea to modernize the Legislative Assembly and safeguard the institution at the same time.

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Hillier.

Mr. Bisson?

**Mr. Gilles Bisson:** Well, I want to be supportive. I think the idea of moving to e-petitions is long overdue. I think there are problems in doing that, and I think other members will speak to that in some detail. But I want to speak specifically to your motion.

I don't have a problem with it being on members' websites. However, our websites are not set up to deal with some of the issues that have to do with when it comes to e-petitions. For example, and I don't know how this is done, but I've seen somebody do it before where they go up and they vote numerous times on those polls for the papers. They do something. I don't know what they do. They do some kind of command on the computer and they vote multiple times on the poll for the radio station or the poll for the paper, so that one person ends up voting a gazillion times and skews the outcome of the poll.

My website doesn't have the ability to deal with that kind of stuff, so I could end up with a legitimate petition that the member wants to move forward—and I entirely support the idea of putting it online. But you could end up with a situation where one person represents 50% of the signatures on the petition that's coming forward by doing whatever voodoo magic you've got to do with the computer to get it to do whatever it's got to do. I want to put that on the record.

The other thing is, I remember when we sat and dealt with this issue in a minority Parliament. I was a member of the Legislative Assembly committee then. There were a number of technical things that needed to be dealt with above the standing orders, because the standing orders are meant currently to deal with paper petitions. It was never contemplated that the current standing orders would deal with electronic petitions.

I do remember us talking to various people at the time that are more learned on this than I am—and I want to, first of all, say that I'm certainly not an expert. But there are a number of issues that we need to deal with. I'm just trying to remember some of them. Currently, when it comes to a petition, is there a lower limit as to what is a petition or what isn't a petition when it comes to the number of signatures? There were threshold issues. There were other issues that I can't remember.

But I just want to say that I want to be supportive. I think this is really a step in the right direction. I think the member is right: It's high time that we move forward with electronic petitions. This committee has been dealing with this at a snail's pace. It's been, what, two Parliaments now and we're still no closer today than we were two Parliaments ago in getting electronic petitions. But I have a problem with this particular motion, especially with the second bullet point, and somewhat with the first bullet point.

**The Chair (Mr. Toby Barrett):** Mr. Balkissoon?

**Mr. Bas Balkissoon:** I will state at the onset that I'm a full supporter of e-petitions. I'm also highly supportive of modernizing the Legislature and public engagement, but I have a lot of difficulty with what Mr. Hillier has just moved, because—if I could just go through his petition, and maybe he'll get an opportunity to respond and clarify things.

We started out, as a committee, when the committee tabled to study e-petitions in their entirety, all options, all the obstacles and all the technical issues that Mr. Bisson just covered. I think we started out in the right direction because we had a particular motion with X number of days. We clearly put in it that after two days of discussion and hearing some witnesses, we would revisit our time schedule if we believed there was more to be done.

If I look at Mr. Hillier's motion, in the first one he says to recommend to the assembly to permit the tabling of electronic petitions that mimics the current paper process. So right there, he has decided what process it would be, and that circumvents the original intent of the committee's work. I have a lot of difficulty with that because it's making us make a decision today that we



haven't studied; we haven't looked at all the various options that are available to us.

The piece about signatures: I have difficulty understanding. Is he talking electronic signatures or the physical signature of a person whose signature you recognize? That one leaves me open so that I'm not sure what the second paragraph is.

If I look at the third paragraph, it says to present the petition in printed form with all these details. I have difficulty understanding what the petition will look like when it's presented to the Legislature. Without seeing what it looks like and understanding, I'm reluctant to support this.

If you look at the whole motion, Mr. Hillier has actually circumvented the committee's work to study petitions and he's telling us that this is the model we should adopt. To be honest with you, Mr. Hillier and Mr. Clark have been very good; they've shared with us that they have electronic petitions on their websites. I don't have any. I don't have a website. I have a Legislative Assembly website that's pretty basic because it can't do these things. So if you want to make this available to all members, it's not going to happen overnight as it's sort of perceived in this particular motion.

There are a lot of difficulties I have with this motion because it's not allowing us to study. It's not allowing us to do research. It's not allowing us to bring people here who are experts where they have adopted e-petitions already, as we discussed, like the House of Commons, Wales, England etc. In fact, I just came back from a tour of Westminster and I did ask the question of the Clerk, "Who is in charge of e-petitions?" They went through an almost two-year study about where they wanted to land. They had a lot of discussions and they had a lot of difficulties dealing with it. They haven't come to that final model yet. They were actually copying something that was at 10 Downing Street, but they want to modify it and modernize it. They have not finished, and they've been doing it for two years. I've asked the Clerk at Westminster to provide us with their minutes of meetings or reports or whatever they have available, and it was promised that it would be mailed to the Speaker of the House. I'm hoping to get that soon.

1330

I don't want to rush, but I think Mr. Hillier's trying to give us a quick fix. You know what, Chair? I came here not to find a Band-Aid solution to petitions today; I came here to study something that will really engage the public in a true fashion to modernize the Legislature. I'm prepared to do that much. In fact, I came with a motion that we go back to e-petitions and leave it wide open; that we research it and do it right.

I was going to look at how I can amend this motion, that we just go back to what we were doing on e-petitions and continue to study and continue to call the experts in, even if we've got to get them by phone or video or whatever, or get them here in person. I'm prepared to do that. I'm not prepared to do a Band-Aid solution.

So I have difficulty with this motion, and I hope—no offence, that he's had it on his website. I haven't had the experience. I haven't even gone to your website to see what you do. So I have difficulty in putting a lot of credibility to what you are doing. I have to personally experience it before I feel comfortable.

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Balkissoon. I'll go to Mr. Clark.

**Mr. Steve Clark:** Thanks, Chair. I'm in favour of the motion, obviously. I, like Mr. Balkissoon and Mr. Bisson, sat on the committee as we dealt with the standing orders, and I don't think the standing orders are a Band-Aid solution. They're the rules that our Legislature operate under.

I feel that this motion allows us to run on a provisional basis, because we can actually do something while we're studying this issue. I'm certainly not saying we can't continue to study it, and Ms. McNair has done a wonderful report. I'm sure the report you got from Westminster—I don't travel, obviously, in the same circles as Mr. Balkissoon that I can go to Westminster and talk to the Clerk. But I do think that what I didn't see in the previous review was any action. I didn't see anything moving forward.

I know that, as the opposition House leader—I'm not going to speak for the third party House leader—in my conversations with Mr. Naqvi, and I'm not saying this to get him mad at me again. I see his staff in the back, and I don't want them to rush out and tell him I was saying anything disparaging. But I think he wants to change some of the things on how we do business.

All Mr. Hillier and I are trying to do is to take what we do today on our websites—certainly Mr. Hillier does it more than I have done—with very little cost, with very little extra expense in my constituency office. I provide the constituents, in a small way, with a vehicle that they use every day. The fact of the matter is, our constituents—mine, yours, ours—use electronic petitions and other electronic forms of communication. We have not met their needs in terms of providing a vehicle for them to communicate to us electronically.

This provisional measure can still satisfy this committee's motion of February 28. It still could give us an opportunity for us to hear these three bills and, even with two weeks left in the schedule, could even hear one of Mr. Bisson's bills to help him, and then continue to give us the opportunity to have this study that you want, to get feedback on our provisional decision to allow e-petitions, to legitimize e-petitions, at next to no cost, while we're studying it for six months, 12 months, two years, whatever the committee decides.

I think we can have the best of both worlds. I think we can continue to provide paper petitions and allow an opportunity to test e-petitions. And listen: I hear, through you, Chair, to Mr. Balkissoon, what you are saying with your website. Not everyone's website has the technological capabilities. I didn't think mine did either and was surprised at how easy and quick it was to be able to



provide this feature to my constituents. They loved it. They thought it was great.

I think we can pass this motion and show that this committee is actually making some progress. I know that, as the opposition House leader, I would be delighted to say that we've made some progress.

Our caucus is already doing it. Our caucus is already doing electronic petitions, and we're communicating back. So it's happening now, and I just feel that this would be a natural extension, as Mr. Hillier does, to the paper process, to allow us the opportunity to try this until the end of the session.

We can have our hearings. We can have hearings for these three bills, even add a fourth to make the NDP happy, and still give us the entire fall session—the times that this committee meets in September, October, November and December—to continue this discussion, just like Mr. Balkissoon had suggested in his motion.

I support this motion. I think it's the right way to go. I know Mr. Hillier has some comments to respond directly to Mr. Balkissoon, but I think this is a good move on our part.

**The Chair (Mr. Toby Barrett):** Mr. Hillier.

**Mr. Randy Hillier:** Yes. Thank you. I'd like to respond in order. I'll respond to Mr. Bisson's comments first, and then Mr. Balkissoon's.

First off, I put this in there: that it's the member's legislative website. The purpose and the reason behind that, the rationale, is because that falls under the Members' Integrity Act. So, if there is any wrongdoing, it's captured under the Members' Integrity Act, and we have an independent officer of the assembly who has jurisdiction to enforce and ensure compliance under the Members' Integrity Act.

That's one very substantial safeguard, and I think it's most fundamental that we understand our actions as members and on our websites are guarded and enforced by the integrity officer, as well as other independent officers of the House. It also permits any other MPP to lodge a complaint with the Integrity Commissioner if somebody is using their website inappropriately. There's a substantial safeguard.

Further to Mr. Bisson's comments, websites are not static. You make them the way you want them to perform. On my website, my petitions only allow one email address to be inserted, and that's a pretty common practice. I get complaints because a husband and wife who have the same email address can only sign once.

But again, I'm going to take the committee back to what the Clerk mentioned as far as safeguards: There is nothing at the present time that prevents somebody from signing the same petition on multiple occasions. There's nothing there. But we do know that most people have better things to do than going around and sign the same petitions over and over—there may be a few odd ones out there, but generally speaking.

The last comment by Mr. Bisson was on thresholds. At the present time, our petition process has no reference to thresholds. All you need is one signature. That's the

minimum threshold. There is no maximum. One of the reasons why there are no thresholds is because there is no action that is compelled by the government from a petition.

If I might just expand a little bit, we've seen other jurisdictions where they say, "If you reach X," and X is 100,000 petitions, "then the government must do" action A. I'm suggesting that we leave our electronic petitions in the same format as our paper petitions and not alter that. We can continue to study this through this trial process. But for the time being, this motion just says, "Leave everything as is, status quo," except for allowing the electronic.

**1340**

To Mr. Balkissoon's comments, I am not trying to impose on this committee anything. What I've done is, I've offered up a suggestion by way of a motion for the committee members to consider, for the committee members to possibly amend or whatever else they might choose to do, and then it will be the members of this committee who will actually make the decision. It's not I who will make a decision. I'm asking for this committee to consider this.

The other comment by Mr. Balkissoon: He suggested that I want a decision to be made without study. We have studied this; we've studied this for over two years. There has been a substantial amount. I don't believe our evaluations are complete, but for us to study further without having anything that we can actually measure the outcomes of is somewhat, you know—just a continuous discussion without ending. At least with this motion, it would allow the House—all 107 members, not just this committee—to test, to try, and to make their own evaluations as well. If some of them, such as Mr. Balkissoon, don't want to do electronic petitions, that's fine. For others who do want to, they have an avenue. But we shouldn't all be prevented from trying things because some members don't want to engage that technology or whatever the case may be. This allows continued evaluation and examination but with the added benefit of being able to actually measure outcomes, when none of our other two-year conversations has actually allowed us to measure anything.

I just want to again emphasize that this is not me making a decision; this is me putting forth a motion for this committee to consider. Even at that, it's a motion to recommend to the House. The House still has the ultimate authority and jurisdiction. Even though this committee recommends adopting e-petitions as a pilot project on a trial basis, the House may reject it anyway. But I think it's time we give the House something to consider after over two years of conversation on this one subject in this committee.

Thank you very much.

**The Chair (Mr. Toby Barrett):** I'll just run down the list: Mr. Balkissoon, then Mr. Bisson, then Ms. McMahon. Mr. Balkissoon?

**Mr. Bas Balkissoon:** Mr. Chair, I put my hand up to just quickly make a comment that I sat on this committee



when we did the standing order review. It was the standing order review and it included e-petitions. We spent more time studying the House schedule and the changes that were made in the previous session and how you could undo it and try to come up with a schedule that the minority government agreed to. That was the majority of our debate.

We asked the House for permission to continue to meet during the summer, and if my memory serves me right, because I know several times I got on the phone, we could not get the subcommittee to set the committee work for some of those meetings that were scheduled, and then everything died.

To say that we studied, in depth, e-petitions before—no, we didn't. We had a little bit of research, because it's still available, but to get into it in detail, we did not.

I just wanted to put that on the record, that I was part of that committee. I sat through those meetings. Our focus back then was the schedule of the Legislature because everybody did not agree with the schedule that was there. We had two or three or four versions of a new schedule. Ms. MacLeod, as the member from the PC Party, submitted many of those. We took them back to our caucus. We didn't get agreement. To make those comments—being a member of the committee, I don't feel that they were correct.

Mr. Hillier explains the position that he's putting this in front of us. I have to clearly state that I see it as circumventing the study and the research that need to be done.

I do have a similar concern as Mr. Bisson about security, verification of signatures and a whole lot of other things, because the electronic world today is very complicated, and I have an electronic background, so I should be the guy who is supportive.

I do want to improve the Legislature. I do want to see a better petition process. I am not prepared to do a quick fix or a Band-Aid and rush this stuff, and then you have to undo what you rushed. I'd rather we did it properly, like what the other governments are doing: study it in detail, look at costs, look at implementation, how much staff it will take to run it. In fact, many of the governments have a vetting process to vet what's a valid petition and what is not—

**Mr. Randy Hillier:** Chair, point of order.

**The Chair (Mr. Toby Barrett):** Mr. Hillier.

**Mr. Randy Hillier:** I'd like to withdraw the motion.

*Interjections.*

**The Chair (Mr. Toby Barrett):** Mr. Balkissoon has the floor, so we'll wait.

Mr. Balkissoon.

**Mr. Bas Balkissoon:** So, Mr. Chair, I have difficulty supporting the motion. I was prepared to go back to studying e-petitions in detail, calling our witnesses and getting the research we need to do, and then the committee can make that proper decision and recommend something to the House eventually.

If I could just make a comment, when the Clerk appeared before us, I asked a specific question to the

Clerk: "If you had your druthers"—and I know some of my colleagues actually said to me that that's not a fair question. I did say to the Clerk, "If you had a preference to recommend to the committee, would you recommend mimicking the paper model we have or to have a better and a complete system and something that would improve the Legislature?" If my memory serves me right, she wanted us to do a good job and recommend something better than what we have. So I take her advice.

**The Chair (Mr. Toby Barrett):** Mr. Bisson, I have you down on the list.

**Mr. Gilles Bisson:** I think that what Mr. Hillier is trying to do is a good idea. I was going to actually suggest maybe there's something we can do here to make this work.

First of all, he's talking about doing this on a trial basis. The idea is that after X amount of time, and I think it's the end of the fall session, we get a chance to see how it worked and what needs to be done in order to address it and all that. I think that's not a bad approach. I think it's actually not a bad idea.

The problem I had is using my website. The member is suggesting that you can collect a petition online, then you have to print it, and then you have to present it. That's all he's suggesting. It's another way of collecting petitions. I'm worried that my website doesn't have the ability and capacity to duplicate people voting five times as they do on these other things. But I'm sure the Legislative Assembly does. Maybe the way to do that would be—

**Mr. Bas Balkissoon:** No, they don't.

**Mr. Gilles Bisson:** I'm sure that they do. We have very smart people who work here; they're called LIS. So what I was going to suggest—

**Ms. Cindy Forster:** They contracted all that out. Don't you remember?

**Mr. Gilles Bisson:** No, LIS is still here.

But there are two points I want to make here. The first point is maybe what we need to do is, rather than being collected on the member's website, they be collected on the Legislative Assembly website, and when printed they're given to the member where they came from because you'd have to fill out the form that says, "In the name of the riding of Haldimand-Norfolk, the following people sign the following petition"—the Legislative Assembly can make sure that the technical part gets worked out—and then what happens is, it's printed and given to the member from Haldimand-Norfolk, who actually presents it.

But that's up to you if you want that amendment or not. That's something that I'm prepared to talk about.

**1350**

But I do want to make a point in regard to what Mr. Balkissoon said. If the sole reason that the government doesn't want to deal with this is because, in the previous Parliament, we only spent four or five days talking about e-petitions—and if that's true, I don't remember; I remember talking about it a little bit more than that: Listen, I've seen bills come through these committees in



less than a day. Let's be real here. When a government wants to move a bill forward, they time-allocate. They send the bill into committee; it gets short shrift for public hearings—you're lucky if you get a day—and often you don't even get hearings; you just get clause-by-clause. So the fact that this thing was dealt with quickly in the previous Parliament—and I'm not entirely in agreement with you. We spent a fair amount of time, and I think we vetted most of the issues in the previous Parliament having to do with what we need to do electronic petitions.

It seems to me that the member is putting forward an idea, and if we tweak it a bit, there might be a way to move forward on a trial basis so that we can say, "This worked or didn't work" at the end of the fall session.

**The Chair (Mr. Toby Barrett):** Ms. McMahon.

**Ms. Eleanor McMahon:** Actually, just to step back for a second, I think what we're hearing—and it's interesting, your comments, Mr. Bisson, because I was going to make some of them myself. So I concur. I'm by far not a technical expert. In my family, they refer to me as the techno-peasant, so I will cheerfully admit that this is not my area of expertise.

By way of saying that, what we're hearing around the room today is a lot of cheerful agreement that we need to move forward on this basis. I think what I'm hearing, and I could be wrong, is that we just differ a little bit on how quickly to get there and by what means. Mr. Bisson raised a very valid point in terms of where it should be hosted, potentially. Where you're going, Mr. Hillier, and the comments that you've added, Mr. Bisson, tell us exactly what we're trying to discuss here and what we're trying to put forward, which is that we need to study this a little bit.

There are some very valid concerns about security. I have a small concern about validity and managing people's expectations. They sign a petition; they hope and pray that it goes somewhere off into the universe and that it's validated appropriately and considered, it's in a secure place and it gets the right stamp of approval, like the process we have now. So we want to make sure we have those safeguards in place too.

Again, I want to come back to what we have in common, which is a desire to do this. I think we're just having a little bit of a disagreement on how to get there. There's a spirit of co-operation that Mr. Hillier elucidated on at the outset, which is really important, in modernizing the Legislative Assembly, which is also so important, and we are in hearty agreement with that. "Let's get it right" is what we're trying to articulate; let's do it properly and use the time that we have to do that.

I'm not saying we have to take as long as the British House, which is eight years and rolling, or the federal Parliament, which has taken 12 years to study this matter. Let's build on those best practices. We don't have to take that long, but what those two processes perhaps tell us is that this is an important matter for our consideration, for our public's confidence in us and in the process, too. To be sure that we have the right process, let's take the time that we need to study this and get it right. I think we can

do that; we're smart people. I think there's a lot of will here to get it done. I make my comments in that spirit.

**The Chair (Mr. Toby Barrett):** There was a comment from research—sorry, Mr. Hillier.

**Ms. Joanne McNair:** I just wanted to say that the UK House of Commons has adopted e-petitions. They adopted them in February. The report is online, all their hearings—everything is online. You can easily download them. They are going to be implemented early in the next Parliament. Their election is on May 7. So they're going full steam ahead with that.

**The Chair (Mr. Toby Barrett):** Thank you for that. Mr. Hillier.

**Mr. Randy Hillier:** I move to defer consideration of that motion.

**The Chair (Mr. Toby Barrett):** Sorry, I didn't hear you.

**Mr. Randy Hillier:** I'd like to defer consideration of this motion.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Hillier is moving to defer consideration. It's a dilatory motion, which can be moved while there is another motion on the floor. Basically, what it says is that the committee not deal with it at this time. It doesn't put any conditions around it, just "not now." If it passes, the committee moves on to any other business on its agenda.

**Mr. Gilles Bisson:** Can I just ask a question, then? If you defer this, does it become the next order of business that the committee deals with, or only when it's called by the committee?

**The Clerk of the Committee (Mr. Trevor Day):** It would remain on the committee's agenda, to be called by the committee.

**Mr. Gilles Bisson:** Yes, it just sits on the order paper, essentially. Okay.

**The Chair (Mr. Toby Barrett):** Mr. Hillier has moved that this motion be deferred. All in favour?

**Mr. Gilles Bisson:** A question, about the debate.

**The Chair (Mr. Toby Barrett):** Yes, go ahead.

**Mr. Gilles Bisson:** Just to the Clerk: I've been here for—

**Mr. Bas Balkissoon:** Chair, can we take five minutes before we vote?

**Mr. Gilles Bisson:** Can I ask my question before you go? It's just a very quick question.

I've been here many years. I've never seen the deferral of a motion, or maybe it has happened and I don't remember. Are we breaking new ground here? Is this exciting?

**The Clerk of the Committee (Mr. Trevor Day):** No. There are different types of dilatory motions. There are three: closure—

**Mr. Gilles Bisson:** I understand it's a dilatory motion, and that's—

**The Clerk of the Committee (Mr. Trevor Day):** Yes. Closure is one; adjournment completely is another; and, yes, to defer consideration of something, without a condition. If there's a condition, then it becomes a substantive motion that you would—

**Mr. Gilles Bisson:** Yes, but this is a dilatory one. I've never seen a dilatory motion moved in committee to stand down. Is this a first?

**The Clerk of the Committee (Mr. Trevor Day):** No. *Interjections.*

**Mr. Steve Clark:** You moved adjournment 10 times—

**Mr. Gilles Bisson:** No, no; I'm not talking about adjournment. This is just—

**Mr. Bas Balkissoon:** A five-minute recess?

**The Chair (Mr. Toby Barrett):** I do have a request for a five-minute recess.

*The committee recessed from 1356 to 1401.*

**The Chair (Mr. Toby Barrett):** Committee, we're about to vote on Mr. Hillier's proposal to defer his motion.

All in favour? Those opposed? I'm not sure what I would call it, but it passed—a proposal?

I declare that motion deferred, if I'm not mistaken. This isn't going to hang up the committee, as I understand.

Mr. Balkissoon, please.

**Mr. Bas Balkissoon:** Mr. Chair, I move that the committee continue its consideration of e-petitions.

**The Chair (Mr. Toby Barrett):** Does anyone need a copy of that? Does anyone need a recess? Do you wish to—oh, we do have a copy.

*Interjection.*

**The Chair (Mr. Toby Barrett):** Mr. Balkissoon, any comments on your motion?

**Mr. Bas Balkissoon:** Mr. Chair, as I stated before, I'm in full support of e-petitions. I'm in full support of proper committee work to adopt it. I'm in support of listening to some expert witnesses and others who have experienced it. Then the committee can deliberate and make a decision to go forward with a system that we could all be proud of, a system that we understand would improve what we have, and it would engage the public in the political process a lot better than it does today. I'm all for that.

I would rather go through the exercise of reviewing every possibility and then look at best practices and come up with something that we could send to the Legislature.

**The Chair (Mr. Toby Barrett):** Any further discussion on this motion?

We have a motion on the floor from Mr. Balkissoon that—

*Interjection.*

**The Chair (Mr. Toby Barrett):** Ms. Forster, please go ahead.

**Ms. Cindy Forster:** How long are we going to continue to consider e-petitions? I understand that you earlier agreed on some date, February 18, to deal with some bills—some Liberal bills, some Conservative bills—and that you haven't firmed up any of those bills at this point.

In the meantime, there's another bill that has actually come to this committee: Peggy Sattler's Bill 64, the Protecting Interns and Creating a Learning Economy Act.

I think it's important that we've debated these bills in the House for hours on end. We all talk about wanting to actually get some work done here in the Legislature. Apparently there was no interest in even doing a trial of e-petitions, so we're going to study it.

We've heard from the research clerk that the British Parliament is introducing e-petitions in the House this spring, so perhaps we'll get a copy of that report and that process, which we can look at. But I think that to sit here today and waste our time continuing to talk about this when we could actually be setting up dealing with some real bills that impact some real people here in the province of Ontario—that's important.

I don't know whether it would be in order, Mr. Clerk, but I would like to move an amendment to this motion that would include Ms. Sattler's bill on a particular date—perhaps at the next meeting of the Legislative Assembly committee—in rotation with what was already set out in this document on February 18.

**The Chair (Mr. Toby Barrett):** Do you have that motion for distribution?

**Ms. Cindy Forster:** No.

**The Chair (Mr. Toby Barrett):** Could you draft that motion?

**Ms. Cindy Forster:** Yes.

**The Chair (Mr. Toby Barrett):** Okay. A five-minute recess?

**Ms. Cindy Forster:** Sure. That would be fine.

**The Chair (Mr. Toby Barrett):** Is that okay with the committee?

*The committee recessed from 1406 to 1411.*

**The Chair (Mr. Toby Barrett):** Our committee is to reconvene. Ms. Forster had the floor.

**Ms. Cindy Forster:** Yes. At this point, I don't have an amendment. I understand there is going to be another amendment to this motion from the government.

**The Chair (Mr. Toby Barrett):** Thank you. I have Mr. Clark, Mr. Hillier and Mr. Ballard. Mr. Clark.

**Mr. Steve Clark:** Yes. It's pretty obvious, Chair, what's going to happen today. The amendment and the discussion that the committee had on February 18 is going to be superseded. The government is going to shut down the co-operation that was expressed on February 18 and go ahead with their desire to have an e-petition review for as long as the government decides they want to have it.

I think Mr. Hillier and I have stated so many times—I can't even count the number of times that we have stated—our support for e-petitions, how easy and inexpensive we believe they could be started on a provisional basis.

But you know what? Listen, as House leader of the opposition, I lost the battle on committee representation. This government has the majority on this committee, and it can do whatever it wants. It's appearing to me that what the government wants is not to have public hearings on Bill 12, not to have public hearings on Bill 27 and not to have committee hearings on Bill 42.



I feel we had, with nine weeks remaining, an opportunity to talk about e-petitions and an opportunity to hear those three bills and, in fact, Ms. Sattler's bill as well. We had ample time to do everything and still give us lots of time to work on a more permanent discussion and a permanent policy on e-petitions.

If I was Mr. Potts, Mr. Barrett or Mr. Ballard, I would be disappointed that my bill wouldn't receive hearings and clause-by-clause debate prior to June. But you know what? Ms. Wong, Ms. McMahon, Mr. Ballard, Mr. Balkissoon and Mr. Anderson can pretty well control whatever they want. If they want to have a discussion on e-petitions, that's what we're going to have. I'm disappointed, but that's up to the government.

**The Chair (Mr. Toby Barrett):** Mr. Hillier.

**Mr. Randy Hillier:** Thank you, Chair. I think it's pretty clear and evident that the intent and the motivation of this government motion is to purposefully frustrate the will of the House and purposely prevent any private member's bill from being considered by this committee. I find it, indeed, very unfortunate—I find it extremely unfortunate—that the spirit and the co-operation that we found on February 18 has now been frustrated by the government. I would suggest and I would ask, Chair, that when this motion comes for a vote, it be a recorded vote.

**The Chair (Mr. Toby Barrett):** Thank you, Mr. Hillier. Mr. Ballard?

**Mr. Chris Ballard:** Mr. Chair, I'd like to make a simple amendment to Mr. Balkissoon's motion. It would simply be to continue on the sentence with "until otherwise decided by the committee," so that the amended motion in its entirety would read: "I move that the committee continue its consideration of e-petitions until otherwise decided by the committee."

**The Chair (Mr. Toby Barrett):** Okay. We now go to discussion of this amendment. Ms. Forster?

**Ms. Cindy Forster:** The amendment doesn't really matter, because, at the end of the day, the government has the majority. Regardless of what the committee wants to do, the other two parties here really will have no say. We could talk about e-petitions for the next two years and never talk about any of these bills.

I find it interesting that the government has been in such a hurry, since the election back in June, to time-allocate all kinds of bills, to stifle debate on many important issues in this province, yet here, when we actually have an opportunity where we've fully debated the bills under the rules of this Legislative Assembly, we're now going to delay having any public hearings, delay having any clause-by-clause, delay bringing them back for third reading or any royal assent.

Mr. Potts was in a big hurry to actually co-opt Mr. Prue's bill on protecting employees' tips, which I think received all-party approval during that time. Certainly, this was a huge issue across the province. We heard from thousands of employees. Michael Prue was across this province from one end to the other and heard about owners of restaurants and bars actually taking part of employees' tips, employees that are paid probably the

lowest of any occupation in this province. They're paid, in many cases, even lower than the minimum wage, unless they are working in a high-end bar or restaurant in a community. So it's a bill that is important to thousands of low-paid workers in this province, but we're going to let it sit here idly on the Legislative Assembly paper and not deal with it.

Now, Mr. Ballard is not too concerned about his bill moving forward, because we just had a municipal election and there won't be another one for four years. As long as his bill is dealt with in the next two or three years—

*Interjections.*

**The Chair (Mr. Toby Barrett):** Order.

**Ms. Cindy Forster:** —it doesn't really matter and it's really about one person in one region.

Then there was Mr. Barrett's bill, which certainly is important to him and important to a number of people in this province, important to health issues across the province. But we're going to let that one sit on this order paper as well. For how long?

Of course, new bills coming forward in the meantime as well—the bills on the utility all-terrain vehicles, which was a bill that a member of my caucus, Mr. Vanthof, and a member of the PC caucus, Mr. Miller, have brought forward, because it is so important.

**Mr. Randy Hillier:** And a member of the Liberal caucus, Mr. Crack.

**Mr. Steve Clark:** Yes, Mr. Crack had a motion on it, and it got approval.

**Ms. Cindy Forster:** And a motion from Mr. Crack, but we're not going to act. We're not going to deal with that motion, we're not going to act on it, even though it's certainly important to people who live in rural communities and people who live in the north.

Then we have Ms. Sattler's on protecting interns, and we've all heard about unpaid internships. We've heard about deaths of people, actually, who were unpaid interns working two jobs, one as an unpaid intern and another job somewhere else, trying to make ends meet so they could support their family. But we're not going to deal with that issue either.

I have to say that certainly on behalf of my caucus, we're very disappointed that the government is just going to kind of stall this out and not deal with any private members' bills for who knows how long.

1420

**The Chair (Mr. Toby Barrett):** Thank you, Ms. Forster.

I remind the committee: We have before us Mr. Ballard's amendment to Mr. Balkissoon's motion. Are the members ready to vote?

**Ms. Eleanor McMahon:** Can I continue debate?

**The Chair (Mr. Toby Barrett):** Please go ahead.

**Ms. Eleanor McMahon:** I just want to respond, in part, to the member opposite by saying that I have been sitting here since the committee started at 1 o'clock. What I heard clearly from this side of the table, Mr. Chair, unless I'm mistaken—and we can check

Hansard—was an absolute desire to examine the issue of e-petitions: a support for that and a desire to have that conversation. I didn't hear anybody over here saying that we weren't going to discuss private members' business; that's certainly not our position. I just think it's really important to say that on the record, so that people understand that that is not our position. By way of responding to your comments, thank you for making them, but I do think it's important that people understand that we didn't say that, and that is not our intent.

I heard and I witnessed, sitting here, some very good dialogue about co-operation today. It's actually been an absolute pleasure to be here and sit and listen to the support. As someone who likes to focus on what we have in common, I think what we have in common is a desire to proceed on e-petitions and have that conversation, because we all want to modernize our Legislature and our processes, and improve our democratic process.

On that basis, Mr. Chair, I just wanted to make that point as part of the conversation we are having and underscore again what I've been hearing today from my colleagues and certainly from the members opposite: a great deal of co-operation and consideration for our common ground. I just wanted to assert that.

**The Chair (Mr. Toby Barrett):** Ms. Wong.

**Ms. Soo Wong:** Following my colleague Ms. Mahon with respect to the motions and the concerns raised by the opposition members, Mr. Chair, when we talk about e-petitions, we have to be very mindful of diverse Ontario. I remember that yesterday in question period a member of the opposition party asked a question about equity and what have you.

When we're having this conversation on e-petitions, it's already challenging that in this committee the members are having challenges with technology. On top of that, we have very diverse communities. I know that many of my constituents are what they call digital natives. Those individuals have very little access to technology. So when we're bringing forth a petition that is outside the traditional pen and paper, and now you're saying you want to rush this to deliver, I would have concerns.

I'm prepared to listen and to work—I have worked with committee members on different committees—and I am prepared to get whatever bill needs to be done. But this particular issue of e-petitions cannot be done in such a quick manner, the way the opposition parties suggest we should just go and do it, have it done, deliver it to the House and what have you.

I would dare say there are individuals in our communities who don't have computers. If they do have computers, the access piece: Is the electronic signature okay, signed in the mother tongue versus English or French? Those are things we have to look at.

At the end of the day, Mr. Chair, to criticize the government members of this committee as not prepared to work with the opposition members is far from the truth. I have sat here patiently, and this is the first time I spoke in almost two hours of this committee. I want to find some

happy solution to move forward on some of these items. People elected us from our own ridings to hear, to serve and to work with items. I don't believe this e-petition should be done in such a quick manner, without real, robust conversation, getting the research department and bringing in the experts.

I know I am not an expert, and I would dare say nobody in this room is an expert; if you are, I apologize in advance. I am not prepared to rush the e-petition conversation in the next 45 minutes. I really believe that Ontarians expect us to do better, because this is new territory when it comes to having documented records. Their name and personal information, privacy legislation—all these things have to be considered. We're changing to a new phase of the technology era, and at the end of the day we have to make sure that we do it right. There's an old saying: If you're going to do it, do it right, instead of doing it, slapping it on and doing it quickly; then you have got to come back, re-track and make more changes.

Thank you, Mr. Chair, for allowing me to speak.

**The Chair (Mr. Toby Barrett):** Thank you, Ms. Wong. Are the members ready to vote? We're voting on Mr. Ballard's amendment to Mr. Balkissoon's motion. All in favour? Those opposed? I declare the amendment passed.

Are the members ready to vote on the motion by Mr. Balkissoon, as amended?

**Mr. Randy Hillier:** Chair, I call for a recorded vote.

**The Chair (Mr. Toby Barrett):** Recorded vote.

### Ayes

Anderson, Balkissoon, Ballard, McMahon, Wong.

### Nays

Forster.

**The Chair (Mr. Toby Barrett):** I declare the motion carried.

Mr. Balkissoon?

**Mr. Bas Balkissoon:** Yes, Mr. Chair. I'm a little surprised at the vote, but I have another motion I'd like to move.

I move:

(1) That, in order to assist the committee in drafting its report on the advantages and disadvantages of integrating e-petitions into the assembly's existing petition procedures, each member of the subcommittee provide the Clerk of the Committee with the names and contact information (where possible) of expert witnesses that they would like to invite to appear before the committee, no later than 12 noon on the Thursday of the week following the passage of this motion;

(2) That these witnesses are scheduled based on their availability;



(3) That each witness receive up to 20 minutes for their presentation, followed by 40 minutes of questions from committee members; and

(4) That, at the next meeting following the passage of this motion, the committee hear from the research officer on the process that other jurisdictions followed when considering e-petitions.

Examples of that are the House of Commons, the British Parliament etc.

You'll have to make a copy, because I had some modifications.

**The Chair (Mr. Toby Barrett):** I guess we'll recess for a copy. Five minutes.

*The committee recessed from 1428 to 1445.*

**The Chair (Mr. Toby Barrett):** I would like to ask Mr. Balkissoon to read the motion again. I understand there were some minor changes to it.

**Mr. Bas Balkissoon:** Yes, with the assistance of the Clerk, Mr. Chair, I am happy to do that. I move:

(1) That, in order to assist the committee in drafting its report on the advantages and disadvantages of integrating e-petitions into the assembly's existing petition procedures, each member of the subcommittee provide the Clerk of the Committee with the names and contact information (where possible) of expert witnesses that they would like to invite to appear before the committee,

no later than 12 noon on the Thursday of the week following the passage of this motion;

(2) That these witnesses are scheduled based on their availability;

(3) That each witness receive up to 20 minutes for their presentation, followed by 40 minutes of questions from committee members; and

(4) That, at the next meeting following the passage of this motion, the committee hear from the research officer on the process that other jurisdictions followed when considering e-petitions.

**The Chair (Mr. Toby Barrett):** Do you wish to speak to your motion?

**Mr. Bas Balkissoon:** Mr. Chair, I'm moving this motion to facilitate the work of the committee, at least as I originally perceived that we were going to do.

**The Chair (Mr. Toby Barrett):** Any further discussion? No further discussion.

Are the members ready to vote? All those in favour? Those opposed? I declare the motion carried.

Any further business? Shall this committee adjourn for the day?

**Mr. Randy Hillier:** Yes.

**The Chair (Mr. Toby Barrett):** Adjourned.

*The committee adjourned at 1447.*







## CONTENTS

Wednesday 25 March 2015

Committee business.....	M-71
-------------------------	------

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Gilles Bisson (Timmins–James Bay / Timmins–Baie James ND)

Mr. Steve Clark (Leeds–Grenville PC)

Ms. Cindy Forster (Welland ND)

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

Mr. John Vanthof (Timiskaming–Cochrane ND)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,

Table Research

Mr. Jeff Parker, research officer,

Research Services





M-10

M-10

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 1 April 2015



# Journal des débats (Hansard)

Mercredi 1<sup>er</sup> avril 2015

**Standing Committee on  
the Legislative Assembly**

Petitions

**Comité permanent de  
l'Assemblée législative**

Pétitions

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 1 April 2015

Mercredi 1<sup>er</sup> avril 2015*The committee met at 1301 in committee room 1.*

## PETITIONS

**The Chair (Mr. Toby Barrett):** Welcome, everyone, to the regular meeting of the Standing Committee on the Legislative Assembly, April 1, dealing with standing order 108(g), electronic petitions.

We have a briefing before the committee written by Joanne McNair, table research clerk. I would like to ask Joanne if you could give us an overview and entertain any comments or questions as we walk through this.

**Ms. Joanne McNair:** The report that you were sent is sort of a thumbnail sketch. I have a bit more detailed information I can provide on each of the jurisdictions covered.

If you had the chance to go through it, you'll see that the jurisdictions that did adopt e-petitions all took fairly different ways to get to that. We saw some that were initiated directly by the government. Some were initiated by backbenchers. Others were the result of a much larger overhaul of parliamentary procedures and other initiatives. And some did take the more traditional committee route: They were proposed by a committee and brought forward that way.

If we start with the Canadian jurisdictions, the Canadian House of Commons is the most recent jurisdiction to adopt e-petitions; they did that just last month—yes, March, because it's April now. The matter first came up over a decade ago when the Special Committee on the Modernization and Improvement of the Procedures of the House of Commons was looking at all—they weren't looking specifically at e-petitions; they were looking at the larger issue of parliamentary reforms and ways to improve it. A lot of their focus was on private members' business. But in the course of their investigations, they travelled to Scotland, the UK and Australia and looked at what was happening in those jurisdictions. They were very impressed by the e-petition systems that were set up, particularly in Scotland. In their report to the House in 2003, they did recommend that the House of Commons adopt an e-petition system. That report was adopted, but as we know, nothing actually happened on the e-petitions front. A lot of their other recommendations were adopted, but nothing came up with the e-petitions side of things.

Then you fast-forward to October 2013, when an NDP member's private member's motion passed, barely—it

was 142 votes to 140—to refer the matter of e-petitions to the Standing Committee on Procedure and House Affairs, asking them to look into what was being done elsewhere and to set up a system for the House of Commons. As I indicated in the report that you were sent, the procedure and House affairs committee started looking into it only last November. They had four public meetings with 11 witnesses in total, and then they met four other times in camera to write their report. They recommended that the House do adopt an e-petition system, and that report was adopted just last month.

They're supposed to have the new system in place for the beginning of the new Parliament, which I assume would be fall of this year if they stick to their fixed election date. The election is supposed to be in October. That was the process that happened there.

If we jump to the Legislative Assembly of the Northwest Territories—no, we'll do Quebec. Quebec's approach was very different because they weren't focused on e-petitions at all. They had undertaken a massive overhaul of basically everything. It started in 2004 when the Speaker of the assembly actually presented a series of reforms to the House for consideration. The government House leader presented a different set of reforms to the House for consideration, and then they set up what they called a subcommittee consisting of the House leaders of each parliamentary group and chaired by the Speaker. They were going to go over the proposals, not in a clause-by-clause sort of way but just looking thematically, like private members' business, what's been proposed here, that sort of thing.

They also set up a number of smaller committees that were chaired by staff of the assembly: procedural clerks, research clerks and committee clerks. Those smaller committees—there were about three or four people per committee—were tasked with very specific areas, either private members' stuff or technical issues etc. At that time, when they began this process, nobody was talking about any sort of cyber-democracy initiative—no e-petitions, nothing on that front. They were really just looking at their own standing orders, the way they did business in general and how they could improve things.

It was only near the end of that specific Parliament, in 2007, that the cyber-democracy issues started to creep to the fore. They had an election, there was a slight change of government, and they went from a majority government to a minority government situation, but the work

continued at the subcommittee and the smaller working groups. That's when the new government House leader brought forward another set of proposals for more reforms. It was then that really the e-petitions started to come to the fore because they were also looking at completely overhauling their website and they wanted something that they could integrate into that context.

Anyway, that was the approach that they took. They looked specifically at Scotland and Queensland in Australia because those were really the only two jurisdictions that were doing e-petitions at that time. The recommendation that was put forward was to include e-petitions in some way. The House adopted the report in April 2009 and they proceeded to set up their e-petition system.

The Legislative Assembly of the Northwest Territories: This too was initiated largely by a private member. First, he delivered a statement saying that they should have e-petitions and then the next month he moved a motion to get their Standing Committee on Rules and Procedures to look into the matter of setting up an e-petition system. They too looked at Quebec, Scotland, Queensland and Tasmania, and reported back to the House recommending that they start a pilot project on e-petitions, which they did. It ran for six months. They re-evaluated it and saw what the issues were and how well it worked, and then recommended that the House make this a permanent feature, and that's exactly what's happened. So it was a fairly straightforward process.

Going over to the United Kingdom, the UK House of Commons also just adopted e-petitions earlier this year, in February, but the issue of e-petitions had been batted around there going back to the previous Parliament, the 2005 to 2010 Parliament. Their procedure committee had recommended adopting an e-petition system. They produced a couple of reports. One included a very detailed outline of what form this e-petitions process should take. Initially, the government—it was the Labour government at the time—indicated they were quite interested in pursuing that, but then, for whatever reasons, they changed their minds and the whole thing just kind of disappeared.

1310

It more or less stayed that way until July 2011, when the—I'd say the current government, but they're dissolved now for the election, so the most recent government, the coalition government, unilaterally set up their e-petition system. These were petitions to government, not to Parliament. They didn't consult with the House of Commons. They didn't tell anybody they were doing this. Just suddenly, in July: "Hey, look, we have e-petitions." While they didn't consult with the Parliament at all, it did affect Parliament in that they'd set up this special feature where, if any petition got over 100,000 signatures, there was potential for it to be debated in the House of Commons.

The House of Commons was not exactly thrilled at having this dumped on them without any consultation or whatnot. It did cause a bit of tension between the Backbench Business Committee, which got dumped with the responsibility for organizing these debates, and the—

*Interjection.*

**Ms. Joanne McNair:** The procedure committee produced another report looking into this, saying that it really wasn't the best way to go—without consultation, blah, blah, blah—and that it created a few issues. So in May 2014, the government moved a motion recommending that the procedure committee work with the government to set up what they called a collaborative e-petition system, meaning that we'd still have the government ones but the House of Commons would also have its own e-petitions, and they would share the technology, the software framework, for that.

The procedure committee held four evidence sessions and heard from eight witnesses—some are the same ones who spoke to the Canadian House of Commons committee that was looking into it—and they recommended essentially what the government proposed. They considered adopting the model that had been proposed previously, in the previous government, by the procedure committee, but decided that since the government's model was up and running and they demonstrated that it worked, it didn't make any sense to start over with something new from scratch. So they would just move it over to under the Parliament's jurisdiction and run it there. That's what they are working on now and what's supposed to be in place by the time the new Parliament starts in May of this year.

Scotland and Wales are quite interesting but really of no use to us, I don't think, because they have the benefit of being brand new Parliaments being created at a time when technology existed, unlike Parliaments that were started up in the 1800s, when you didn't have much beyond paper and pen.

Scotland was actually the first jurisdiction anywhere to have e-petitions. After the 1997 referendums on devolution, when the mandate was there to create the new Parliament for Scotland, from the outset it was decided that technology would be a fully integrated feature in everything they did. Everything was going to be technology driven, not like here where we're trying to move towards a paperless office and move everything to being online. There, it was going to be primarily online first; they would just take advantage of the technology that we had.

They were also very focused on petitions in general, just as being a really positive way of engaging with the public and building on democratic participation, but they weren't talking about e-petitions then. Nobody was doing e-petitions; e-petitions weren't really on the radar. But from the start, they set up their Public Petitions Committee and they had the whole process in place for petitions. When they are presented, they aren't presented in the House the way they are here. They go directly to the petitions committee, which reviews them and decides what actions should be taken on them.

In 1999, they were approached by the International Teledemocracy Centre from Napier University, which developed this e-petitioner software to do online petitions and said, "Would you guys be interested in doing a trial run to see how this would work?" The House agreed. It



was hosted by the IT Centre but it linked to the Parliament's website. So if you went to the Parliament's website and you saw e-petitions, you would click on it but you were actually being taken to the IT Centre. They set up the petitions there and ran it as a pilot project for two years, after which they reviewed it and decided, "Yes, we like this. It's going to be a permanent feature of what we're going to do. But we're going to move it over to our website and host it here and take full control of it," which is what they have now.

Wales is similar, as a brand new legislative assembly that was built from the ground up after the 1997 referendum on devolution. Unlike Scotland, though, Wales had just regular petitions, but they weren't a big focus the way they were in Scotland. Members could table them if they wanted to, but they didn't have to. Members could move that they have a debate on one, but that almost never happened. So, consequently, they hardly got any petitions at all.

Then, in 2006, they UK government passed the Government of Wales Act, which significantly changed the power structure for the Welsh assembly. That required them to completely overhaul how the assembly worked, their standing orders and whatnot. It was during that process that they decided, "Since we're changing how we're going to be doing petitions, let's see what else is out there." They looked mostly to Scotland. They saw how things worked there. They were quite impressed with the dedicated petitions committee and the e-petition system. So they recommended that the Welsh assembly adopt something similar, and that's essentially what they've done.

Lastly, we come to Australia. There are two jurisdictions in Australia that do e-petitions: Tasmania and Queensland. But Tasmania didn't get back to me, and I couldn't find anything much on their website. It's not the best website in the world. But in Queensland, it was a purely government-driven initiative. Back in 2001, the Labor Party's election platform had major—it was a major reform platform in general, but they did focus on e-democracy initiatives. They formed the government in that election, and they put forward their—they just started implementing the various things that they had committed to during the election.

The whole process was overseen by cabinet office, essentially, by an e-democracy unit that they set up there. It was really difficult to find any relevant information about them because they don't archive a lot of stuff. The only thing I did find was that when they got around to doing the e-petitions and also the broadcasting of proceedings online, they realized that they didn't really control that. That was Parliament's jurisdiction, and so apparently things kind of stalled out there for a bit as they tried to negotiate how this was going to work. But, anyway, they finally got it up and running.

That, essentially, is the different approaches people have taken.

**The Chair (Mr. Toby Barrett):** Thank you very much for that report. I would ask the committee if they have any comments or questions. Yes, Chris.

**Mr. Chris Ballard:** Well, thank you very much. That is a great overview that gives us a sense of what other jurisdictions are doing and some of the timelines that they've taken to put the whole concept of e-petitions into play.

I've said it before, and I'll say it again: Anything that improves democratic participation in our system is a good thing. If e-petitions are one of those things that attract people to get involved where before they maybe wouldn't be as interested in getting involved, then I'm certainly interested in investigating that more.

I don't know if our research clerk has this kind of information at her fingertips: I'm interested in those few jurisdictions that have been running e-petitions for any length of time. I mean, even the ones that are haven't been doing it for that long. What sort of uptake has there been? Can we say that before there were X number of paper petitions delivered and now there are Y number of petitions delivered, or the number of signatures went from X thousands in all the petitions one year to two X the next?

**Ms. Joanne McNair:** I have seen that. I could get some of those numbers for you. I don't have them at my fingertips, because I was asked to look primarily at the processes used—

**Mr. Chris Ballard:** And that's what I figured.

**Ms. Joanne McNair:** So I don't want to give you information that is incorrect.

I know the UK government site, when it launched, for the first week or two, it just crashed constantly because—

**Mr. Chris Ballard:** So many people were interested.

**Ms. Joanne McNair:** Yes, and they had released—I think after the first year of it being up and running, there was sort of a report that came out. In the first few months, it skyrocketed—really high usage—and then it just—

**Mr. Chris Ballard:** It starts to drop.

**Ms. Joanne McNair:** As the novelty effect wore off, it kind of stabilized. They still get a fair number of paper petitions, too.

Scotland, since they've had it for so long and it has been such an integral part, I think—

1320

**Mr. Chris Ballard:** We couldn't really map a differentiation between the before and the after.

**Ms. Joanne McNair:** Yes. I don't know if they, even on their site, differentiate the action that they take, if it was a paper or e-petition, necessarily. But I will try to find figures for you.

**Mr. Chris Ballard:** Yes, it would be interesting. I guess the other area I'm interested in—and we didn't ask you to give us this information, but I'll just make a general comment. My issue is sort of the overarching principles of implementing an e-petition-type system. Is it just a stand-alone? Or are we going down a trail at some point to cyber-democracy and improving democratic participation? I think the members who have been advocating for this strongly here are interested, obviously, in the e-petition system. I'm more interested in almost



taking a step back and saying, "Where does this fit in in the whole concept of democratic participation using ICT?" That's where I've been a little more cautious in saying, "Let's not rush into something. Let's see how to make sure we do it best. And is it the only thing we should be doing?" But this is a good start, and I'll leave my comments there for now.

**The Chair (Mr. Toby Barrett):** Thank you, Chris. Granville, you have a question?

**Mr. Granville Anderson:** Yes. I just wondered, having reviewed all of these jurisdictions, which one, would you say, in your opinion, would be best suited to Ontario? I know it's a tough question.

**Ms. Joanne McNair:** In terms of the process they used or in terms of how their systems work?

**Mr. Granville Anderson:** Yes, both.

**Ms. Joanne McNair:** Well, we can't do what Scotland and Wales do because we're stuck with the building that we have. I quite like what Quebec did just because they were dedicated to looking at all their procedures—you know, "How can we make everything work better?" E-petitions wasn't even part of the discussion then, but it came forward. But that's a massive, long-term thing.

I think what you're doing here, having a committee look at the issue and decide if it's a good thing, and if it's a good thing, how you are going to go about doing it, what's the outcome we want from this, and, if you even want to propose a model, then reporting that back to the House—I think, realistically, that's the best thing you can do right now. It might not work. As we've seen many times, it might not do anything on the first go-through, but at least you're putting the idea out there and giving them something to consider.

**Mr. Granville Anderson:** Yes, and I noticed that in Quebec, it was a lengthy process. It took a number of years before it was finally adopted.

**Ms. Joanne McNair:** Yes. It spanned the course of three Parliaments.

**Mr. Granville Anderson:** Okay. Thank you.

**The Chair (Mr. Toby Barrett):** We'll go to Soo.

**Ms. Soo Wong:** Thank you very much, Mr. Chair.

I just note when you did the review of different jurisdictions with e-petitions, I didn't hear anything about the issue of security, in particular privacy. I don't know—Mr. Chair, through you to the staff: At the end of the day, I'm particularly interested in not just having a landscape review, an overview of different jurisdictions that had e-petitions before us, but what are some of the challenges when it comes to security and protecting each individual witness who signed the petition and making sure that private information is protected? Do you have any information about that?

**Ms. Joanne McNair:** Certainly. Every single jurisdiction considered that. Once they decided to proceed with it, that's one of the issues they looked at. So yes, there is information available about that. It varies slightly by jurisdiction depending on what model they adopted and how they decided to handle the information. If you

want a separate report on that, I can certainly put something together on that.

**Ms. Soo Wong:** I think, Mr. Chair, through you to the staff, it's important for us to have that conversation. Particularly, you made a comment earlier that you prefer the Quebec model. What is it about the Quebec model that is unique or different from Scotland's, the UK's, Wales's, that kind of stuff? I'd like to hear your opinion as a staffer about the security and safety of the Internet. If there's going to be e-petitions, I want to make sure that that information is protected. So if you could come back with a report—I don't know about other members, but I certainly am interested in any kind of research from your office about this particular security piece. It would be helpful.

**The Chair (Mr. Toby Barrett):** Just maybe a comment—we have a request for some more research on security. Do you understand the parameters of what would be requested?

**The Clerk of the Committee (Mr. Trevor Day):** Do you need anything else from Ms. Wong?

**Ms. Joanne McNair:** You just want to know what security measures they all have in place for handling the data that comes in?

**Ms. Soo Wong:** Yes, for instance, from the House of Commons to the Quebec National Assembly, all the jurisdictions you listed here—have each of those jurisdictions looked at, when they implemented e-petitions, security and protection of e-petitions?

**Ms. Joanne McNair:** Yes. They all have.

I just wanted to clarify: When I said I prefer Quebec, I like the process they used to get to e-petitions, which was a larger overhaul of all their procedures. It's not my favourite model for e-petitions, however.

**Ms. Soo Wong:** Oh, okay. That's the next question.

**The Chair (Mr. Toby Barrett):** Just further to that request, maybe to clarify in my own mind: With e-petitions, people sign off. Does that mean that their email address is automatically in a data bank, and they're basically on an email list or a sucker list after that?

**Ms. Joanne McNair:** For most of them—I'm not going to say all of them, because I'd have to go and refresh my memory—if you want to sign an e-petition, they do try to verify that you're using a real email address. It's like when you sign up for something, they mail you a link, you click the link, and it confirms your account—that type of thing. But their email address does not appear. Some of them don't even list; they just put a number: "This e-petition has 35 signatures so far," but they don't list them. Some of them list their names. Some give signers an option: "Do you want to appear as anonymous?" You can tick that, so you'll see "anonymous," "anonymous," "anonymous," listed. It varies.

But yes, most of them do require you to either create an account on the e-petitions site, and then you can sign as many petitions as you want—you just log in once and then you can just sign—or if you just want to sign one in particular, it's just that one time. It varies. But yes, most of them do require that type of information.



**The Chair (Mr. Toby Barrett):** So people who sign, would they be aware, then, or have the expectation that they may be getting emails back for the next five years?

**Ms. Joanne McNair:** They won't be getting emails back. They will get a confirmation: "Congratulations. You've signed this e-petition." But no, I don't know of any jurisdiction that then sells that information or makes it available.

**The Chair (Mr. Toby Barrett):** Yes, next on the list is Garfield.

**Mr. Garfield Dunlop:** Because I'm new to this committee on this particular topic, I just want to get a bit of a clarification. I think, Soo, your comments on the security are very, very important. Anybody signing a petition—I'm talking about the big picture because I don't really understand the electronic part of it. You'd want to make sure that that list never got out to people or salesmen—you know, bugging people over the Internet or something like that. That's a must. I'd like to see it completely confidential.

But is it the duty of this committee right now to come up with a recommendation to the House on electronic petitions that the House would implement at some time in the future?

**The Chair (Mr. Toby Barrett):** I could mention, there is a motion that was carried. Maybe I'll just read that sentence briefly. "That, in order to assist the committee's review, the Clerk and Deputy Clerk of the Legislative Assembly of Ontario be invited to appear"—we've done that. The other sentence: "That the committee produce a report on the advantages and disadvantages of integrating e-petitions into the assembly's existing petition procedures, and recommend whether e-petitions should be implemented, and if so, which would be the best practical model." So we do have to report—

**Mr. Garfield Dunlop:** So we're just trying to respond to that, and there's no time frame on it? Because I'll tell you, some of you folks are—I think you're all new. No; Soo wasn't. But we had the changes to the Legislative Assembly. We spent a summer here—

**Ms. Soo Wong:** Really?

**Mr. Garfield Dunlop:** Yes, trying to make changes to—

*Interjection.*

**Mr. Garfield Dunlop:** But seriously, all these other jurisdictions had travelled the world—like to Scotland and Tasmania and stuff like that—and we tried to make changes to the Legislative Assembly right here and we spent the whole bloody summer doing it. At the end, everybody kind of said, "Nobody wants to make changes to the Legislative Assembly Act." So I hope this isn't a whole bunch of work for nothing here, okay?

1330

**The Chair (Mr. Toby Barrett):** We are responsible to produce a report, according to this motion.

One other thing I wanted to mention: that the committee hear from any other witnesses it deems relevant. We did hear from the Clerk and the Deputy Clerk.

Yes, Chris.

**Mr. Chris Ballard:** Just speak to your point, in terms of hearing from other expert witnesses, we are to submit a list of anyone we would like to talk to, if possible, to the Clerk by tomorrow—

**The Clerk of the Committee (Mr. Trevor Day):** Tomorrow noon.

**Mr. Chris Ballard:** Tomorrow noon. So if you know of anybody—I don't think we can fly anyone in from Tasmania that fast, but if there are any local people or whomever you'd like to hear from, people involved in e-democracy or whatever, get them in by noon tomorrow. I'm certainly interested in hearing from some people.

Again, from my perspective, I am interested in the bigger picture before I drill down too far on which solution to pick.

**The Chair (Mr. Toby Barrett):** Thank you for reminding us of that date.

Yes, Peter?

**Mr. Peter Z. Milczyn:** I am new to this. I was unexpectedly thrown into this over lunchtime, but now that I'm here, I understand you have relatively narrow terms of reference that the committee has given you. But I would be interested in seeing some of the research, not just about the, let's call it, physical act of how you sign a petition, but what other elements of other jurisdictions were added to e-petitioning to increase the value of it. If it's merely making it easier to sign it, that's one thing. But I imagine that a lot of jurisdictions, either at the front end or at the tail end, have done other measures to actually move towards e-democracy, more citizen engagement, whether it's using this as a means of furthering how legislation gets created, and—I know that this is not a Canadian tradition—around ballot initiatives, around referenda and so on.

So it would be interesting to know how these other jurisdictions are actually using the e-petitions, not just how they're collecting the signatures, but what they're using them for. I don't know if that's something that you could do some research on as well.

**The Chair (Mr. Toby Barrett):** Maybe I would just mention that the committee has received one or two other documents from research that can be made available to you fairly rapidly.

**Mr. Peter Z. Milczyn:** Okay.

**The Chair (Mr. Toby Barrett):** Do you want to remind us of the other papers? I know there's this one.

**Ms. Joanne McNair:** Yes, that was the first one.

**The Chair (Mr. Toby Barrett):** The first one was titled E-Petition Models for the Legislative Assembly of Ontario.

**Ms. Joanne McNair:** Then there was a cross-jurisdictional—no, that's the Canadian House of Commons.

**The Chair (Mr. Toby Barrett):** So we did receive the 33rd report of the Canadian House of Commons.

**Ms. Joanne McNair:** There was that other one, an older thing—

**The Clerk of the Committee (Mr. Trevor Day):** We would be happy to forward the previous exhibits on e-



petitions and the background information. We'll have that forwarded to your office.

**Ms. Joanne McNair:** I can, if you want, quickly give you a couple of—well, there are basically two approaches: Either you do an e-petition but then you just integrate it into your existing paper petition process, so the actual procedural process of petitions doesn't change—that's what the Canadian House of Commons essentially has adopted. They'll have e-petitions now, so instead of doing a paper one you can just go on their site and fill it in, blah, blah, blah. But then once the petition closes for signatures, it will just be a copy printed out, presented in the House by an MP, and then just follow the normal route that a paper petition currently follows.

Then you have other Legislatures like Scotland, Wales and what the UK House of Commons is going to do. They've set up a dedicated petitions committee; it's a standing committee of the assembly. Petitions don't go to the House, so they're not tabled the way we do here. They go directly to the committee, paper petitions and e-petitions. The committee reviews them and decides, "Okay, what are we going to do?" They could maybe invite whoever started the petition to come in and talk to them about the issue. Sometimes they'll decide to refer it to another standing committee to look into. Sometimes they'll call in a government representative to address the issue that's raised in the petition and have a brief hearing. They've gone to schools. There's a petition in Scotland, I think, on bullying, so they went to a school in Glasgow and organized a big symposium thing.

It makes the whole petition process much more open. Sometimes just talking to the committee by phone, a petitioner will just feel, "Oh, well, at least they listened." Even if their problem isn't solved, at least they feel they got the ear. It depends on how you want your petitions to work afterwards: Just continue as is or do you want to broaden the focus and make something of them?

**The Chair (Mr. Toby Barrett):** Yes, Granville.

**Mr. Granville Anderson:** Peter, maybe you're talking something like what Britain did with their petitions. They have a certain transfer—I think it's 100,000 and it gets debated in the House. That's where you were going with this, I take it.

**Mr. Peter Z. Milczyn:** Well, precisely. It's nice to simply eliminate killing some trees to do petitions, but it doesn't necessarily add any value to the public that they've signed it electronically versus a paper petition. I think it's a bigger question.

**Ms. Joanne McNair:** As Mr. Anderson stated, the UK government's petition process that started in 2011 had that reward threshold, where, if you got over 100,000 signatures, there was potential for a debate in the House, which got terribly misreported in the press. Everybody figured that if you got 100,000 signatures, your petition was definitely going to be debated in the House, so there was a lot of disappointment when they realized that wasn't necessarily the case. But yes, they are keeping that with the UK House of Commons ones, but the UK House of Commons said they will—I don't know if

they're keeping the threshold necessarily, but because they're setting up a dedicated petitions committee, they will have the ability to refer a petition for debate directly, if they decide. But any MP in the UK can take the topic of a petition, regardless of the number of signatures, and go make a presentation to the Backbench Business Committee and say, "We should have a debate on this topic." So that's an option.

**The Chair (Mr. Toby Barrett):** Yes, Chris?

**Mr. Chris Ballard:** I may have missed it here or it may have been in a previous report, but does the Canadian House of Commons have a similar threshold, that 100,000?

**Ms. Joanne McNair:** No. Mr. Kennedy Stewart brought forward the motion, and his plan was that if it hit, I think, 5,000—it was a lower threshold, I think—he wanted them to have a take-note debate after the House's regular sitting hours, which he said the Speaker would organize, and which nobody seemed very keen on doing at all—

**Mr. Chris Ballard:** I don't know why.

**Ms. Joanne McNair:** —so they dropped that from their final reports.

**Mr. Chris Ballard:** Okay. Thank you. Just one question: Off the top of your head, do you happen to recall the MLA in the Northwest Territories who moved their—it doesn't matter if you don't know off the top of your head. I'm just interested in—

**Ms. Joanne McNair:** It is the MLA for Yellowknife, I believe.

**Mr. Chris Ballard:** For Yellowknife?

**Ms. Joanne McNair:** I don't remember his name.

**Mr. Chris Ballard:** Okay.

**The Chair (Mr. Toby Barrett):** Any further comments or questions?

As discussed, the committee does have a number of action steps before it. Further to that, I would just read in part the motion that was proposed by Mr. Balkissoon and was carried on March 25:

"(1) That, in order to assist the committee in drafting its report on the advantages and disadvantages of integrating e-petitions into the assembly's existing petition procedures, each member of the subcommittee provide the Clerk of the Committee with the names and contact information (where possible) of expert witnesses that they would like to invite to appear before the committee, no later than 12 noon on the Thursday of the week following the passage of this motion," and I think it's been pointed out that that would be 12 noon tomorrow.

"(2) That these witnesses are scheduled based on their availability;

"(3) That each witness receive up to 20 minutes for their presentation, followed by 40 minutes of questions from committee members; and

"(4) That, at the next meeting following the passage of this motion, the committee hear from the research officer on the process that other jurisdictions followed when considering e-petitions," which I think has been accomplished.



We have that 12 o'clock deadline. The committee is charged with the responsibility to create a report. I don't know whether there's any comments on this process or

where we go from here? Seeing no comments, we're adjourned.

*The committee adjourned at 1341.*







## CONTENTS

Wednesday 1 April 2015

Petitions ..... M-83

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Mr. Jagmeet Singh (Bramalea–Gore–Malton ND)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mrs. Kathryn McGarry (Cambridge L)

Mr. Peter Z. Milczyn (Etobicoke–Lakeshore L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



20N  
6-20  
- 1-20



M-11

M-11

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 15 April 2015

# Journal des débats (Hansard)

Mercredi 15 avril 2015

## Standing Committee on the Legislative Assembly

Petitions

## Comité permanent de l'Assemblée législative

Pétitions



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 15 April 2015

Mercredi 15 avril 2015

*The committee met at 1302 in committee room 1.*

## APPOINTMENT OF SUBCOMMITTEE

**The Chair (Mr. Toby Barrett):** I wish to welcome the committee to our regular meeting of the Standing Committee on the Legislative Assembly for April 15. We continue to deal with standing order 108(g); that's our basic mandate. However, our first order of business would be the appointment of a subcommittee on committee business. Mr. Ballard?

**Mr. Chris Ballard:** Mr. Chair, I have a motion. I move that Mr. Mantha replace Mr. Singh on the subcommittee on committee business.

**The Chair (Mr. Toby Barrett):** Any discussion on that motion? Yes, Mr. Mantha?

**Mr. Michael Mantha:** I hear that the proposed member is a heck of a great guy. I personally know him quite well and he's a decent person and represents his constituents quite well, so I have no objections to accepting that member on this committee.

**Mr. Bas Balkissoon:** I thought you'd say, "I love punishment."

**Mr. Michael Mantha:** I just thought I'd put that out there.

**The Chair (Mr. Toby Barrett):** So you did. Is there any further debate? Hearing none, shall this motion carry? I see unanimous consent. Thank you, committee.

## PETITIONS

**The Chair (Mr. Toby Barrett):** Our next order of business we see on our agenda is petition procedures. We have Chris Chapin at the witness table. Chris, if you want to tell us a little bit about yourself. As you would probably know, you have up to 20 minutes, if you need 20 minutes, and members of the committee have up to 40 minutes for round-the-table comments and questions. So Chris, if you wish to go ahead.

**Mr. Chris Chapin:** Perfect. Thank you. First off, I'd like to thank you for the invitation to appear before the Standing Committee on the Legislative Assembly. Having seen the list of other witnesses who have been requested to appear before this committee, I wanted to share with you a little background about myself and my experience when it comes to electronic petitions.

As you may know, I'm an assistant to the member for Lanark-Frontenac-Lennox and Addington, Mr. Randy Hillier. I've worked here at Queen's Park for almost four and half years. While my job requirements vary every day, as I'm sure you can all attest to with your own staff, one of my primary focuses has been to help modernize Mr. Hillier's online advocacy efforts. I will speak more to this in a minute.

Aside from my employment here at Queen's Park, I also have a vast amount of experience in consulting, developing and mobilizing online advocacy campaigns. I've worked with small businesses, start-ups, non-profits, corporations and political campaigns at all three levels of government. My specialty in this regard, when it comes to my work outside of Queen's Park, is to help find or develop the necessary tools to help projects of all sizes achieve their desired outcomes online.

Through my external experience as well as my experience with Mr. Hillier, I've also provided my guidance and expertise to other members of the PC caucus in their efforts to better utilize online petitions.

For my presentation here this afternoon, I'd like to focus on three aspects that I think are very relevant for consideration when it comes to electronic petitions. Specifically, I will focus on what exactly an online petition is from a technical standpoint. I'll also focus on Mr. Hillier's experience, and mine working for him, in using e-petitions over the past four years. Finally, I'd like to provide an overview of what is currently being done here in Ontario at the Legislature from an electronic petition standpoint.

First off, what an e-petition is from a technical standpoint: Having researched this subject extensively for Mr. Hillier in regard to both his work on this committee as well as for his green paper on reforms to the standing orders that included e-petitions, I think there's a certain level of uncertainty of what exactly an e-petition is. As I've watched this committee debate the subject for a couple of years now, I want to provide a technical explanation of how exactly a petition works online compared to in a paper copy. Quite simply, it's far less complex than I think most believe it to be. Essentially, all an online petition consists of is a block of text on a website, what we would normally consider the body or the text of a paper petition, as well as a form with fields such as name, address, email, phone number.

While a petition isn't a standard tool on most websites you may visit on a daily basis, from a technical standpoint you likely use the same functionality every single day. If you've ever made a purchase online, signed up for a newsletter, used a contact form or RSVP'd for an event, each of these functions have the same technical requirements as an online petition. For example, if you've made a purchase online, you've submitted your shipping info securely to a business while confirming your order. If you've used the contact form on a website, like many of you already feature on your legislative websites, you've filled out your contact information and submitted your message to a recipient. Signing up for a newsletter from a non-profit or a business is no different, submitting likely your name and an email into a form on a website in which you consent to receive updates in return.

From a technical standpoint, a petition is simply a variation of any of these actions on any other website. A constituent, on your website, fills out a form with the required contact information that you establish, and by submitting the form they inherently consent to signing the petition text that you already have on that page.

Most members already use this exact same function to allow their constituents, for example, to request a celebratory scroll. Technically speaking, there's really nothing different when a constituent requests the type of scroll they'd like to receive on your website and subsequently provides the required contact information compared to signing an online petition. Technically speaking, they're identical. You've set out the parameters of what the scroll will provide and they fill out the information you need to provide it to them.

On a far larger scale than the use of celebratory scrolls, for example, the government's recent budget talks initiative is very similar in terms of a technical standpoint. Although it's far more complex in nature given the size and scope of the initiative, from a technical standpoint it's the exact same. You were offered the ability to submit your ideas for the budget along with your contact information. If you chose to vote on the different ideas, you had to provide your contact information. It's the same concept inherently as a petition, with the petition text and the form to follow.

In short, I hope you can see, from a technical standpoint, that the concept of an e-petition is very simple, and in a larger scale it's being used not just by users on the Internet every day but, for the most part, by your constituents on your websites every single day.

Speaking briefly to my experience implementing electronic petitions for Mr. Hillier, having covered what I'll call the technical 101 of online petitions, in terms of usage, Mr. Hillier was one of the first members of this Legislature to start using e-petitions on his legislative website, offering his constituents and also people from across Ontario the ability to sign electronic petitions. Over the past four years, we've featured almost 50 different petitions on Mr. Hillier's website and to date have had over 50,000 unique signatures.

### 1310

Having read the table officers' recent research on various e-petition models across the world, we have found, similar to many jurisdictions, that the number of individuals who sign a petition online significantly outnumbers the amount who sign one of our off-line petitions that we feature in our constituency office, for example. In Mr. Hillier's case, the ratio of online to off-line signatures averages nearly 10 to 1 for every petition, in some cases reaching as high as 20 to 1 or 25 to 1 the amount of signatures we receive online versus off-line.

Without any dispute, I can confidently say we've found providing Mr. Hillier's constituents with online petitions to be an incredible success. Given the geographical size of his riding, for example, providing petitions online is a far easier way to reach all of his constituents than expecting them to come into one of his constituency offices to sign a petition physically. We've found countless times that the convenience that we provide by offering it online in this day and age significantly outweighs the hassle it is to come into the office itself and sign a hard copy.

I will say, though, that one of the biggest concerns we have faced, and this has happened time after time with various online petitions, is an awareness by many people that the Legislature doesn't, in fact, accept electronic petitions. We feature them on our website, but we've heard concerns time and time again; people recognize that they aren't considered official. In doing so, we've had to tell them, quite bluntly, that they're right. Even though the text of the online petition is identical to the off-line petition—we make the off-line petition available on each online petition page so that you can download it, print it off and sign it, if you so choose. But from a technical standpoint, we use the exact same text, same titles, and we require the same contact fields. A lot of people are very confused about why their signature online is not considered the same as an off-line signature—for example, we can't offer a ministerial response to them—when the petitions are identical.

In terms of effectiveness and responsiveness, we've found online petitions to be far, far superior to the traditional off-line, hard-copy petitions. Our ability to quickly publish and spread a new petition online allows us to reach far more of our constituents than we ever could off-line using traditional means. Just as an example of this, yesterday afternoon, Mr. Hillier published his latest petition online in regard to Bill 45. In less than a day, the petition has been signed by almost 1,500 people online, and that's just here in Ontario. To put that in perspective, if that were an off-line petition, using the traditional hard-copy means, that would be over 60 full pages of signatures in less than 24 hours. The reach we're able to access online significantly outweighs what we could ever do off-line in this day and age.

Quickly, I also want to just sum up what others are doing, whether it's other members or other parties. Given that I've followed the deliberations of this committee quite closely in my role working for Mr. Hillier, I know



that one of the things that's been discussed is a lack of infrastructure, specifically for members, when it comes to implementing e-petitions. More specifically, I know that it's been discussed that primarily only the PC caucus is using e-petitions. In my research I found that to be, frankly, not completely accurate. Members of all three caucuses are currently using electronic petitions on their websites. While the PC caucus does have the largest number of MPPs who offer e-petitions, the member from Bramalea-Gore-Malton, Mr. Jagmeet Singh, for example, offers online petitions on his website. And at my last analysis, two government caucus members also use online petitions: The member from Ottawa-Orléans as well as the Associate Minister of Health, Ms. Dipika Damerla, both feature online petitions on their websites. I also had a discussion just the other day with I believe one of the developers for Liberal caucus services, and it's actually a functionality that I believe he said is built into every one of the Liberal legislative member websites. So the infrastructure is there, or it appears to be there. I know many of the PC caucus members use it, I know some of the NDP caucus members use it, and from what I've been informed, the Liberal caucus members also have access to the same technology built into their sites already.

Furthermore, not only MPPs from all three caucuses are offering online petitions, but all three parties are offering them as well. [ontariopc.com](http://ontariopc.com), [ontarioliberal.ca](http://ontarioliberal.ca) and [ontariondp.ca](http://ontariondp.ca)—all are offering Ontarians various petitions that they can choose to sign. So it's not something that's currently just being limited—I understand that that's partisan in nature, but it's something that we're all using and we're all offering to Ontarians across the province.

While I don't mean to editorialize here, I would say that I think one of the largest concerns that I've seen, working both for Mr. Hillier and then for clients outside the Legislature, is that the growing use of third-party websites is starting to become the go-to for a lot of people. There are websites such as [change.org](http://change.org) or [avaaz.org](http://avaaz.org). They specialize in online petitions, and that's quickly becoming the go-to avenue for people who want to sign a petition online. Because in a lot of cases, members of Parliament or members of provincial Parliament aren't offering this to their constituents or to people in this province, people are choosing to go elsewhere. I think that ought to be a point of concern. Traditionally, petitions were used solely in hard-copy form and presented in the Legislature, and it's quickly becoming the case that the traffic that these sites are receiving and the number of signatures that are being signed on these online petitions on these various third-party websites are rapidly outgrowing those that are being signed here on members' websites.

In closing, from a technical standpoint, I hope I've addressed the implementation of an e-petition on members' websites. It's no more difficult than the contact forms most of you already use. In most cases, it's even simpler than a scroll request, which most of you, I believe, all feature on your website.

I think e-petitions offer all members a very simple and effective mechanism to connect with their constituents through a medium—the Internet—where people currently spend most of their time searching and researching issues.

Thank you very much for your time. I'd be happy to take any questions.

**The Chair (Mr. Toby Barrett):** Thank you very much, Chris. In keeping with tradition, I'll go to the government member. Garfield?

**Mr. Garfield Dunlop:** Opposition members.

**The Chair (Mr. Toby Barrett):** Or opposition.

**Mr. Garfield Dunlop:** They're the government members over there. Would you rather go first?

**The Chair (Mr. Toby Barrett):** Years of habit, sorry. Garfield, go ahead.

**Mr. Garfield Dunlop:** I just had a couple of questions. You spoke earlier about the simplicity of implementing online petitions and that members of all caucuses already use these online petitions. Can you expand on that a little bit more?

**Mr. Chris Chapin:** Yes. Like I said, I believe there are two current Liberal caucus members who have online petitions on their websites. I know many PC caucus members do. The first one I came across for the NDP was the member from Bramalea-Gore-Malton.

From a purely technical standpoint, just about every member that I came across in this entire Legislature has the technical requirements already built into their website. From a functionality standpoint, it's text of the petition, which is no different than a news release. It's the same concept: You're posting or publishing text to a website.

Then, from a submissions or data-collection standpoint, the form on the website is identical to the one that many members feature for scroll requests for an anniversary or birthday scroll. In many cases, it's almost more secure because you're not transmitting private data like birthdays or anniversaries. And most members, if not all, already feature a contact form on their website. It's the same technical concept. You're asking a user to provide their contact information and they're submitting it in a form. It's pretty straightforward.

**Mr. Garfield Dunlop:** Okay. One of the concerns some of the members of this committee have had has been the security of personal data. Could you explain how most online petitions store and protect that data?

**Mr. Chris Chapin:** It all depends on how the website that the e-petition is featured on sets it up. Most use some form of a back-end database. Most forms are encrypted. The levels of encryption vary, but when you submit a form you're transmitting private data inherently, so the data is submitted to the database securely.

I was reading the table officers' report on it and it was mentioned that many of the jurisdictions do use secured encryption as a requirement for transmitting data. On the base level, the data that's being transmitted is usually very commonplace. Most just ask for a name, an email address, maybe a physical address, but some don't even



require that. From a database standpoint, it just boils down to what you choose to use to store that information.  
**1320**

If it's a member's website, for example, it's stored securely and it's only made available to those members. I think I mentioned earlier that with the trend of a lot of online petitions being third-party websites, that data's out of our control. If it's being submitted to a member, it's in their hands and ultimately you're responsible for that data—and you get re-elected or elected every four years. With a third party, there are no guarantees that that data isn't being sold off. It's illegal for the data to be sold off here.

**Mr. Garfield Dunlop:** Okay.

**The Chair (Mr. Toby Barrett):** Yes, Randy—

**Mr. Randy Hillier:** Yes, I just want a little bit more about the data integrity. The members' websites are governed by the Members' Integrity Act, which also includes our websites. There's been numerous rulings about the use of members' websites for activities, and a number of rulings have been made about the non-partisanship of members' websites. But the data integrity—that's built in within everybody's system, your own security that you have for each member's website. I know for the government side, all their websites are controlled by the government caucus, right? I'm sure they take adequate precautions to ensure that there's security on their websites.

The data that is transmitted—one of the other questions is the multiplicity of emails. How is that dealt with from a technical standpoint?

**Mr. Chris Chapin:** It all depends. Every website is inherently unique. There are platforms that do this on their own. There are certain providers that allow it to be set up in a certain way. I know oftentimes it's limited to a signature can only be counted for one email address. That's the equivalent of your unique ID.

From a security standpoint, it's pretty straightforward. Like I said before, while we may see it as an end-user as being an online petition, a database or the computer itself treats it like any other form on your website. The data is stored as securely as the data that's submitted for a constituent trying to reach you via contact form or whether it's a constituent submitting a request for a 50th wedding anniversary certificate. That data is submitted securely to each member or to the database itself and it's republished back out.

In terms of the email usage, that's the most common way it's implemented. Each individual email address is treated as one unique signature and that if you were to submit one unique email address, it will only count as one signature. You can keep clicking the button to sign the petition, but it's only going to treat it as one; it's only going to be submitted as one. We don't, in Ontario, have any kind of unique voter identifier that could actually know that Mr. Hillier is Mr. Hillier or Mr. Mantha is Mr. Mantha, but the way most online petitions treat it is that your email is your unique identifier, and if you've signed that petition before, it won't let you sign it again.

**Mr. Randy Hillier:** The other question that's been brought up is that these people don't really exist. It would be false attempts, putting in false email addresses, because the system will accept only one email address. What happens if somebody puts in a faulty email address?

**Mr. Chris Chapin:** It depends on the kind of system you're using. There's some software and some plug-ins, basically a feature that could be built into the form itself that will validate the email address itself. Essentially, it tests it without you really noticing. It sends a ping to the server and identifies whether it's a valid email address or not.

I know I can speak to the experience working for Mr. Hillier. We simply haven't found that people are abusing the system. I know we've heard stories about the White House and their implementation of electronic petitions requiring a response on building a Death Star, but in our experience we simply haven't found that people are trying to abuse it—you know, one person signs the petition.

We've had more problems with the fact that elderly couples will only have one email address between the two of them—and so they submit both of their names for one email address—than we've had people trying to spam our petitions by signing it multiple times. It's just simply not been something we've encountered or, frankly, that I've heard anybody encounter, I think, when it comes to what's seen as an official legislative petition. People tend to respect that. But otherwise, there are those safeguards in place that a unique email address is considered a unique email address and if it's not real, it's not real and it won't accept it.

**The Chair (Mr. Toby Barrett):** I'll continue around. Michael, any comments?

**Mr. Michael Mantha:** Yes, sure. I'm one of those other individuals who actually uses these petitions on my website and they're a great tool. They reach far-reaching regions.

I just want to touch on stories. We always hear the stories in regard to individuals with the traditional format: "I agree with the purpose; I don't want to sign it because then I'm giving my personal information and then I'm going to be bombarded with information from whichever of the parties is there." The same case would apply here on the e-information, where, "I don't want to share that personal information, but I do agree with the issue."

Have you ever come across that issue? Again, trying to be non-partisan, I have a lot of constituents who may agree with some of the petitions that the opposition has or that the government has, but they do not want to be bombarded in providing their contacts. Is there a way, in your experience, where an individual can participate in the e-signature but not share that personal information?

**Mr. Chris Chapin:** Yes. Essentially, there are two different things. From our experience with Mr. Hillier's website, we, up front, give you the option of whether you want to be contacted again. What we'll traditionally do is provide the same printed petition as we do online and



then we'll forward them a copy, if they choose, of the official ministerial response. While the Legislature doesn't do it officially, we'll scan that document in and we'll provide them that update in lieu of the Legislature doing it itself. But we provide that option up front. We ask them whether they'd like to receive any updates on the petition itself.

There's certainly a growing concern, like you said, about people not wanting to share that information. I mean, there's no real workaround. We will count you as a petition signature and a signee, and if you choose to not receive any updates, essentially that's all you are. The data is stored as long as we host the petition online, and as soon as we do—we won't contact you anymore. And if you choose to never be contacted, we won't contact you, period. So there's certainly that concern and oftentimes it is those issues that raise it more often than not. It might be something from a partisan perspective; that they might not agree with, Mr. Hillier, for example—but on that specific issue they do, and so they choose not to provide or request to be contacted.

**Mr. Michael Mantha:** The infrastructure you were talking about earlier that seems to be in place for some but seems not to be in place, and the costs associated, if there are some costs that are associated with that—can you elaborate a little bit on those comments you were making earlier, particularly what's in place now and, if it's missing, what needs to be in place? Would there be a cost to that?

**Mr. Chris Chapin:** From that standpoint, I only know what I've discussed briefly with one of the Liberal IT developers. He told me that the Liberal caucus members, from my understanding, all have the same templated website. I believe that most of the NDP caucus members do as well, that it's a similar template. I've been informed that the Liberal caucus template does have electronic petitions built into their website, and it's just up to the members themselves to choose whether they want to use it or not.

From a cost standpoint, you don't pay per submission. You don't pay per petition you host. It's part of your website. If you have that feature built in, that comes down to just the implementation of your website itself. So from a cost standpoint, the only additional cost is if you don't have the feature built in already, but for the most part, it appears just about every member of the Legislature does. It would just be a matter of officially recognizing the online petition, which we currently don't.

1330

**Mr. Michael Mantha:** I'm a traditionalist. I like the old paper stuff. I still carry a lot of paper copies. My staff give me a hard time because I do that because they do everything electronically, but I love the paper signature. It seems like when you put your name to a document with pen and paper, it's a commitment that you're making. A lot of the newer ideas—the same thing is done on the computer. How do you validate that signature?

**Mr. Chris Chapin:** How do we validate it?

**Mr. Michael Mantha:** Yes. How do you validate the signature that is going on? Put my mind at ease in regard

to me feeling the same amount of commitment that I do when I put pen to paper and sign that petition as you would probably feel typing in your name. I need to get my mind into that—

**Mr. Chris Chapin:** I guess it's kind of two different universes. The similarity is the same as you handing over cash, making a purchase in a physical store versus you pressing “process order” on an online store. There is no effective equivalent. The way that most, if not all, online petitions work relative to that same concept is that you'd fill out your information on the form on the website—and, for example, our website says, “Add your signature.” It's the same mental concept that we're asking you to do. We're asking you to add your signature. Obviously we don't make you sign your computer screen, but it's the same concept.

From that standpoint, they're two different universes, but it's the same thing as when you press “process order” for an online purchase. It's the same thing as handing cash over in a store.

**Mr. Michael Mantha:** So to validate the signature—my understanding is, there were discussions between the committee before where there was a concern that was raised that it's not an electronic program that is building up all these signatures within the petition, that there is an actual human part of it where there's a code that you have to visualize, which you have to enter in as you're signing the petition, to build it in.

**Mr. Chris Chapin:** There's definitely that. There are various forms of secure capture code that you can build into a petition online. A lot of different websites feature it. If you've ever tried to buy tickets to a concert online, most times they'll have—it's called CAPTCHA. It's usually frustrating because they blur the letters or it's some weird combination of letters and numbers that you have to refresh multiple times before you get it right. There is that option.

Those are typically done for things like online purchases or online ticket sales where there's an anticipated rush that's going to happen where somebody might try to take advantage of it. There's something to be gained, whether it's tickets to the Blue Jays games that go on sale—for example, they feature on their website a CAPTCHA that basically prevents you from building a robot or a program that would process that form incredibly fast.

Those technologies do exist, and they're quite easy to implement. Like I said earlier, from my experience working from Mr. Hillier, we haven't found that—there hasn't been a rush to scam our petitions online. They're not that interesting.

**Mr. Michael Mantha:** He's working for you?

**Mr. Chris Chapin:** Simply put, there's not a rush to sign a petition like there is to acquire baseball tickets.

**Mr. Michael Mantha:** Yes.

**Mr. Chris Chapin:** But the technology does exist. It's nothing more than just a plug-in on most websites. It's very easy to implement, and that is one way to increase the likelihood that it is in fact a real person submitting



that form. It's just not a problem we've ever felt we needed to address.

**Mr. Michael Mantha:** So it's not something that you're experiencing right now with the petitions that—

**Mr. Chris Chapin:** We don't currently use any kind of capture plug-in.

**Mr. Michael Mantha:** Is the government, on their websites—that they're utilizing it if they have it?

**Mr. Chris Chapin:** No. Currently, none of the online petitions for any of the caucus members from all three parties that I've come across, or either three official party websites, use any kind of capture technology.

**Mr. Michael Mantha:** I've actually just come across maybe a couple of them that I participated in in the 10 years that I've been working with e-petitions. Other than that, you're right; it's just basically putting your name and off it goes.

**Mr. Chris Chapin:** Yes. Typically, they're solely used just to protect from abuse. When it comes to those kinds of things where something could actually be taken advantage of or you could prevent others from gaining access, like purchases or a limited-quantity supply of something, you put it in place so that it slows down any kind of a program or prevents a program outright from taking advantage of the form.

**Mr. Michael Mantha:** One last question on the format of the petitions that you're sending out: Are you obligated to go through the actual petition before you sign or do you actually go to the—can I skip the whole reading of your petition and you say, "Sure, Randy's a good guy," and just not absorb the content of what that particular petition is?

**Mr. Chris Chapin:** I suppose. It's listed out, but you have to scroll down to get to the form itself. If you choose not to read the petition, I guess it's no different than walking around an event with a paper petition saying, "Will you sign this?" and them not reading it. We don't make you take a quiz to see whether you read the petition or not before you add your signature, but nine times out of 10, the text of the petition on our website at least requires to you to scroll down to input your information and then add your signature. There's nothing that prevents you—like I said, we don't make you take a quiz to sign the petition. I don't think anybody does for a paper petition either.

**Mr. Michael Mantha:** All right. Thanks, Chris. And I'll make sure Randy forgives you for that "uninteresting" comment on his petitions.

**The Chair (Mr. Toby Barrett):** Thank you, Michael. Yes, Chris?

**Mr. Chris Ballard:** Welcome, and thank you for your interesting input. I guess what I'm interested in, and have been from the beginning, is: How do we use the modern electronic age to bring people into greater involvement with democracy, with government, with creating policy and legislation? E-petitions, other types of electronic—Internet, ICT, are all good steps.

I'm trying to wrap my mind around: If there were to be an e-petitions system, is it one that is set up for

individual members? Is it one that is set up by the House? Is it one that is set up by government? Those are some of the bigger issues that I'm dealing with, and I'm dealing with them because of what weight we give petitions. That, to me, is crucial: What weight do we give a petition?

From a technical perspective, not to get into debate, I'm concerned about how you can slam a petition even if you're pinging the mail server. We know that there are a million ways around it.

**Mr. Chris Chapin:** Absolutely.

**Mr. Chris Ballard:** Personally, I probably have 20 or 30 domains that I own. That means I could go on and, almost, in an infinite number, if I wanted to take the time, sign Randy's petition or not. So there are ways around it.

**Mr. Chris Chapin:** Absolutely.

**Mr. Chris Ballard:** It speaks to, in my mind—and what I'm looking for and what I'm concerned about is: If petitions in future, whether they be e-petitions or paper, are to influence the development of legislation, I'm concerned that just people residing in Ontario have access to them, if we're to give them some greater weight in future. That's kind of where I'm coming from.

You talked about one of MPP Hillier's petitions. People come in and they sign it. They read the preamble and then they read the petition. What would you think, going forward, would be submitted to the House?

**Mr. Chris Chapin:** You mean in an electronic form?

**Mr. Chris Ballard:** In e-format.

**Mr. Chris Chapin:** There are various ways you could do it. I think something as simple—it's something that's simple to format; it's just printing off, whether it be a spreadsheet with the preamble and exactly what they signed on to. In most cases, most members' petitions that I've seen essentially are formatted like a spreadsheet anyway. You have a grid with a column for your name and a column for your address. I think, simply put, formatting and submitting it wouldn't be that much of a challenge. Most databases will spit out the data itself in a spreadsheet for you. So whether you just add the text and the preamble in a row or two above it or whether it's presented in a PDF—I think there are probably endless different possibilities on how an electronic petition could be submitted to the Legislature, whether it's provided in a data format itself and transmitted electronically, or that the requirement still remains the same, that you print off those electronic signatures and table them in the House, the same as you otherwise would with a paper copy.

1340

It's something I haven't spent a lot of time thinking about. I think in implementation it wouldn't be very challenging. You'd just include the text similar to how you already do and present the petition. I guess it would be up ultimately to the members to decide whether they thought they would transmit it electronically to the Clerk or continue to table it in a paper copy that they print off on their own choosing.

**Mr. Chris Ballard:** Yes. I guess the concern I have with the process we've been through, and I've made this



comment a few times, is that we're getting into the weeds, into the technical and into how exactly you set an e-petition system up. I'm more interested in, right at this point, the higher level: the impact on representative democracy versus direct democracy, we'll say, and using ICT in the future to increase engagement.

Whether or not individual members set these up or government sets it up remains to be seen. To me, that will be answered, I think, when I'm comfortable at the higher level on the impact of electronics on engaging people.

Just to be clear, too, you made reference to the government's—you gave us your suggestions for the budget etc. poll that we had. But I don't think, in reading a couple of Mr. Hillier's online petitions—it's not my sense that they were partisan. There is a difference between what the government has done and what individual members—

**Mr. Chris Chapin:** No; in that sense I was just speaking to the technical nature.

**Mr. Chris Ballard:** Ah, okay, just to the tech? Exactly, okay. I just wanted to make that clear.

I think I'll leave it there. I have some concerns about privacy. I have real concerns still about signatory identification. I've looked at models around the world that do it slightly differently and I know some of the problems they run into, but by and large my bigger question is at that 60,000-foot level, and that's about the use of ICT in terms of citizen engagement. So we'll leave it there.

**The Chair (Mr. Toby Barrett):** Thank you, Chris. I'll go to Randy and then Soo.

**Mr. Randy Hillier:** Do you want to finish off their time?

**The Chair (Mr. Toby Barrett):** You want to finish up? I'm sorry. Go ahead, then.

**Ms. Soo Wong:** Okay; thank you very much, Mr. Chair. I just have a couple of questions. I think my colleague Mr. Ballard talked about the concern about safety. When you worked in Mr. Hillier's office to begin this e-petition stuff, did you consult the privacy commissioner in establishing the e-petition or to get her opinion—of the new acting privacy commissioner—in terms of making sure the information from your website is safe?

**Mr. Chris Chapin:** I don't know if I can speak to that truthfully, just because we initially had electronic petitions on the website before I started at Mr. Hillier's office. So I couldn't say with any certainty whether—we changed up the system, the way it was formatted, slightly once I joined Mr. Hillier's office, but I wasn't in the office as a staff member when it was first initially set up.

**Ms. Soo Wong:** Okay, good. So from the time you were in Mr. Hillier's office, did you ever experience any kind of hacking or compromised situation to that website that would require your office or Mr. Hillier's office to report that incident?

**Mr. Chris Chapin:** None whatsoever.

**Ms. Soo Wong:** Never?

**Mr. Chris Chapin:** No. They're hosted on secure servers—the databases. We would be notified if there

was any suspicious activity. To date—over four years—it has never come up once.

**Ms. Soo Wong:** Never come up once; okay.

The other thing I was kind of curious about is: Can you share with the committee, for the record's purposes, your credentials to make you an expert on the issue of e-petitions?

**Mr. Chris Chapin:** Sure. Like I said, I also operate privately with multiple different small businesses. I've done work for some of the larger law firms in the country and various not-for-profits, focusing solely on online activism. I'm a Web developer as well. There is one of the largest online platforms that focuses on political and not-for-profit advocacy online. It's a company called NationBuilder. It's widely considered the leading activist tool online, and I'm a certified expert with NationBuilder. I've worked at a digital level on all three levels of political campaigns. When it comes to the use of online petitions specifically here in Ontario, I don't think anybody has created more, developed more, than myself. We were one of the first to use it from a political standpoint, and that's something both with Mr. Hillier and privately for others I've continued to work extensively on.

**Ms. Soo Wong:** So how do you address when some of our constituents in our communities don't have a computer? In order to do an e-petition, someone has to have access to a computer. How do you address that issue? There are frail seniors in our communities who wouldn't know how to even use a bank card; right?

**Mr. Chris Chapin:** Yes.

**Ms. Soo Wong:** How do you address this issue? Because if you're saying that as an e-expert on this particular initiative—how do we ensure that every Ontarian, the 13-million-plus Ontarians really have access? You're probably in the generation that we call “digital natives,” right? We have a significant portion of aging seniors—a significant portion of a community don't have access to a computer and the techie stuff. If we're going to move in the direction of e-petitions, are you not shutting down those who are not technically able and have the resources to do an online petition? How do you access them if we move in that direction?

**Mr. Chris Chapin:** I'll speak to it from our experience. Like I said, essentially we offer petitions in three different ways. Each individual petition is identical in nature, whether it's a printed copy that we have available in all of our offices—whether it's our office here at Queen's Park or our constituency office, we offer that same paper copy in an online form on our website that you can download, share and print and sign, and then we also offer the online equivalent of it, where it's the text, the same as the printed version, as well as the form with the same contact fields.

I can't speak to everybody's access. I'm sure there are people right now who don't access or can't access the printed versions that all of you, I'm sure, feature in your constituency offices. I can't pretend for a second that I think everybody in this province has access to all of our printed online petitions.



I think in our sense, in the way we implement it, we offer it the same, whether you're signing an online or an offline petition. I can't think for a million—I would not speculate, but we don't offer solely online petitions that we don't offer in an offline format. I think that's how we've safeguarded that. I know that Mr. Hillier's community has a great number of seniors who certainly don't have access to the Internet or would not know how to.

That said, I know from just the analytics and the demographics of online users, whether it's platforms like Facebook or just overall new email accounts, that that trend is starting to significantly shift the other way, where we're seeing the elderly become amongst the most active users online as they're starting to play catch-up, whether it's keeping in contact with their kids or their grandkids.

I don't think we have an ultimate answer to that, but that's what we do.

**The Chair (Mr. Toby Barrett):** Thank you, Chris. I think the government has used up the time now. I'll go to the opposition.

**Mr. Randy Hillier:** Michael mentioned a few things that maybe you can expand on about how one of his concerns was being bombarded with additional emails. How is that dealt with? There is federal legislation that I know all the websites have to respond to—

**Mr. Chris Chapin:** Yes. The federal government had passed—I believe it's the CAN-SPAM legislation that applies to everybody online, and that essentially requires you to request that you receive email updates. It's now against the law to—if you were to respond back to them, if you were to bombard them per se, as you mentioned, sir, you have to have their explicit permission to do so. I think that's addressed by law at this point, that you can't bombard them and that you need to provide that consent to receive email updates in the first place. We had to slightly reformat our website, when they passed the legislation federally, to prevent that kind of bombardment from happening.

1350

**Mr. Randy Hillier:** I just want to go back to Chris's comments about the fake email or fake identifier. Of course, we heard from the Clerk that at the present time, there's no way that we can determine with certainty that there aren't fake signatures on paper petitions that are introduced to the House, and that there are ways—Chris could have 20 different domains and email—

**Mr. Chris Ballard:** And nothing to do for an evening.

**Mr. Randy Hillier:** —and nothing to do for an evening, and go on and do all my petitions with his 20 different signatures. I'll have to go back and see if he has done that.

I think that speaks to one of the earlier motions that I put in front of this committee, and that is that in order for us to fully comprehend and come up with a good decision on what the electronic petition will look like and how it will be constructed, we first have to know what the outcome is. That speaks to Chris—if there's a change in the outcome with a petition, if the House is contem-

plating giving petitions greater weight, triggering a different action, like triggering a debate in the House or triggering a committee hearing with a threshold—if that was to happen, then, in my view, we would have to put far more consideration into preventing Chris from sending me 20 emails from his 20 different servers tonight.

That's what I think is important for this committee: Do we want to alter the outcomes of what a petition does in the House, first and foremost? I'm of the view that we ought to leave petitions the way they are, as far as outcomes: that there is an obligation by the government to respond, with a written response. Again, with my system, we can then share that directly with the people who signed the e-petition. We can't do that, or it's much more cumbersome to do it, with a paper petition, for us to go through, because a lot of those paper signatures are just about illegible after a period of time.

I'd like to have the committee contemplate that first: Do we want to see any changes? Do we want to trigger the government into an obligation to do something with e-petitions other than making a response, as it is today?

Once we answer that question, then the balance of your question, Chris, has much greater clarity.

**Mr. Chris Ballard:** Sorry, I shouldn't engage in debate—

*Interjections.*

**Mr. Randy Hillier:** Anyway, we know that we can fake signatures today on a paper copy. We know that if somebody is really interested, they can fake a bunch of different names on an e-petition. It really becomes moot. If there's no other outcome that's going to be triggered, whether you sign my petitions 20 times tonight, it doesn't have any difference in the outcome.

**The Chair (Mr. Toby Barrett):** Thank you, Randy. We've run out of time for the opposition.

Michael, any further comments?

**Mr. Michael Mantha:** It's not particularly a question. I enjoyed the conversation that went around today.

I just want to be on the record to say that with the paper petitions that have gone out, on numerous occasions Elvis Presley and Johnny Cash have signed my petitions, so that happens.

**Mr. Chris Chapin:** They're still alive.

**Mr. Michael Mantha:** Yes, they're alive.

**Interjection:** Elvis was at an event in my riding.

**Mr. Michael Mantha:** Oh, was he? Okay.

**Mr. Chris Ballard:** I ran against Elvis in my riding.

**Mr. Michael Mantha:** I really enjoyed the point that Randy just brought up, which is the actual outcome. I think the other part that we need to look at is, when an individual puts their name electronically or signs it, that is their tool to express their view. By expressing their view, there's an expectation that I'm going to get an answer to that. So if anticipating an outcome is that, I think that before we change anything on the outcome, that has to remain.

**Mr. Randy Hillier:** I agree.

**Mr. Michael Mantha:** Yes, because individuals certainly participate in the signing of petitions in order to



get an outcome or a response to show either positive, negative, constructive or various views in regard to a particular issue. I think that's a larger discussion if we're going to have a discussion on the outcome. I think there's an expectation from the individual who is signing the petition that, "I'm engaging in the process," and we actually should find a way to encourage that, getting a lot more people, because there are a lot of disenfranchised individuals out there who are very frustrated with our political system right now. So this may be a tool or an opportunity for us.

**Ms. Soo Wong:** And it's not exclusive.

**Mr. Michael Mantha:** No, it's not. But it may be a tool to gather a lot more interest from Ontarians, which is something I think everybody around this table wants.

I've enjoyed your comments here today. I don't have any more questions for you.

**The Chair (Mr. Toby Barrett):** Okay. That wraps up the time for the third party. Thank you, Michael and Chris. On behalf of the committee, thank you for your testimony. You're not hard to find in the building. I'm sure you would entertain any further inquiries from any—

**Mr. Randy Hillier:** I'll put a petition up on my website.

**Mr. Chris Chapin:** So I'll publish it.

**The Chair (Mr. Toby Barrett):** If any other MPPs wanted any information—

**Mr. Bas Balkissoon:** Sorry?

**The Chair (Mr. Toby Barrett):** I said, if any other MPPs wanted—

**Mr. Bas Balkissoon:** I just have a comment, Mr. Chair, in response to Mr. Hillier and Mr. Mantha, because I think Mr. Mantha provided some good points. Mr. Hillier is saying that the outcome is still going to be the same, so if we're interested, as a committee, to change the outcome, then he can understand why we're looking for something more elaborate.

I also say that the input is very important because if you're going to take that input and hand it to government as a whole, it's going to have some weight. The current written petition, because somebody took the time to sign it—it has a weighting factor.

If I can go on a website and easily sign it and spread the word to sign it and that person doesn't have to get engaged a whole lot to sign it, you're going to have to apply a different weighting factor.

The worst thing governments do, and I think I know where Mr. Hillier is coming from, but I'll reserve that as my own, is give people hope—if you make the process of signing something such that they hope that there's an intent to do something, it does create what I would call a conflict or a confrontation or whatever you might want to call it at a later date. That's my biggest fear.

**The Chair (Mr. Toby Barrett):** We can continue this discussion—

**Mr. Randy Hillier:** I just would have thought, Bas, that you would have been all in favour of a change.

**Mr. Bas Balkissoon:** If it has validity. But I have a different opinion on where you're going.

**Mr. Randy Hillier:** I think the worst thing that you can ever have in a democracy is an attitude or a sentiment within your population that is forlorn and that is without hope. I think that is why people go out to vote when they do: They're hoping for an outcome and hoping for something. If we can—

**Mr. Bas Balkissoon:** You have a lot more faith than I do.

**Mr. Randy Hillier:** I know that if there was no hope to effect change, I don't think anybody would go out to a ballot box every four years. I think the most important thing we can do is to demonstrate to people that their interests are our interests and that their interests will be heard. They may not be acted upon in the fashion that they want them to be acted upon, but their interests are important and will be heard.

What I find with petitions—I know, and everybody around this committee knows, that somebody who is disappointed or disaffected and who is seeking some redress from government knows that they can't phone up the Premier and get a direct audience. Their avenue to express themselves—and even at our level, as members, having 120,000 people in my riding, it is inconceivable that each and every one of those people would have an opportunity to sit down directly with me, let alone the Premier. So the petition is that historical avenue to demonstrate to people that democracy does function, that they do have an avenue to vocalize or to express their interests directly, whether it be to the Premier, a minister, an MPP or whoever.

1400

My experience has been that they have been a very effective tool, and I think it's a tool that would benefit every member in this House. I'm sharing my experience not so that I'm the only one, or that there are fewer people doing this. I'm sharing it because I do think it will be valuable for all members.

**The Chair (Mr. Toby Barrett):** Michael had a comment and then Bas.

**Mr. Michael Mantha:** With all due respect, taking away any hope or faith out of individuals who put their name to a petition, whether they type it or not—I don't think that's either your or my judgment call to make. You just deflated me completely when you made that comment earlier. That's not what he meant. I'm sure that's not what he meant. I'll have a chat with him afterwards when we leave this room, but I'm sure that's not what he meant.

You know what? For individuals, that is their way of participating in democracy, is by putting their name down. Exactly when they're putting that name down, taking that step or writing their name is their voice. When they put their X at the ballot box, when they put their name on a petition, when they come out to an event in order to—we had 3,000 people out on the lawn yesterday. That is their hope and their faith in the system, that they can actually mobilize and change something.



I know that's not what you meant earlier, but damn, did it ever come across in a really rough way for me to swallow, my friend. I know that's not what you meant.

**Mr. Bas Balkissoon:** I wasn't commenting to you. It was to—

**Mr. Michael Mantha:** I know, but hearing those words coming out—and I choose to believe things are different. We're 107 elected members here at the province, and I choose to believe that once we all get here, the flags and the colours go out, and we're all here trying to do our best in order to help constituents back home.

That was really hard to hear you say that, and I know that's not what you meant. Taking away that hope and that faith in our system pushes people away from what we are doing here. I think we should be looking at a way of getting more people in through e-petitions, however we determine to validate those signatures that are going to go on it, and however we determine what the process is going to be, what is going to be put up. I think that's another way of engaging a lot more people, especially the youth who are out there who are very much within the media picture. I just wanted to make that comment.

**The Chair (Mr. Toby Barrett):** Thanks, Michael. Yes, Bas and then Granville.

**Mr. Bas Balkissoon:** Yes, Mr. Chair. I hear what Mr. Hillier is saying, but I'm looking at it from his perspective today. I looked at his website. He's the generator of the petitions. The petitions I'm familiar with have been generated by special interest groups in my riding.

I reach my riding by holding town hall meetings and giving people that face-to-face opportunity to express their views. In fact, my colleague and I just did one recently. It may have probably showed up in the media as negative, but, to be honest with you, it turned out very positive for the two of us. We've done this more than once. We've done it on the budgets; we've done it on issues in our ridings. The people in our ridings thank us for having those town hall meetings, where you can speak to them face to face.

My colleague has done the phone-call, robocall-type town hall meetings also, and I've sat in on it. They find that worthwhile, because they can speak to us, because they've elected us to be that representative of their views and their concerns to the government.

What is happening here is to try and change that and put it in a different sphere, and that's where my concern comes in. If you're going to put it in that different sphere, you're going to have to have a weighting factor, you're going to have to have a quality factor, and you're going to have to have a security factor. I'm not convinced we're there yet.

If it's just to replace the paper petition and it allows somebody to sign, so I don't have to appear at the door, as you said before, then I think we'll weaken the system; we're not strengthening it. That's just my personal view. I've done petitions, as a citizen, before I got elected. At least 50% of the people signed it to just get me out of their door. It is how you engage the people, whether you will get a valid response or not, and how you weight it.

If you want e-petitions, and they just go online and they say, "Here's my name, address and my email," I think you have to set the criteria at a different bar as to the quality of that petition, whereas if I went around and had them sign it, or a special interest group went around and had them sign it, I would put a different weight. It's the same thing—if somebody took the time to write a letter to me personally with their own feelings and thoughts, and put a signature at the bottom, I give that a hell of a lot more weight than a petition. In fact, I may even go visit them. That's what I was trying to make reference to. I see the e-petition route that Mr. Hillier wants to go to as problematic, because there's no weighting factor.

Now, if I wanted a petition website, like Mr. Hillier, I think I could use it so that people could tell me when there is something developing in my riding that's going to become a hot potato. That keeps me informed, but it doesn't keep the government informed. That's up to me to bring it here. But in creating what Mr. Hillier wants us to do, it automatically transfers it here. That's what I disagree with.

**The Chair (Mr. Toby Barrett):** I'll go to Granville and then Randy.

**Mr. Granville Anderson:** I'm just going to expound a little bit on what my colleague said. I meant to ask—I looked at your website too, and I see the questions, whether it's Bill 45 or whatever; it's all on there. That doesn't give the public a say into what their issues are. They are responding to what you are asking. I don't know if Mr. Mantha does the same thing.

In my office, if somebody wants a petition, they get it. I don't tell them what the topic is. They go out, they get their signatures and they come to me and say, "Okay, I would like to present this." Whether it's HST off for certain items, whether it's HST off hydro etc., it's their issue. I'm listening to their concerns, versus me putting in a list of things that I believe in and then saying, "Okay, sign this." These are my views. I want to hear their views. That's where I'm coming from.

If that's what we're going to set up, that you put your ideas on and people just fill in, then how is that going to enhance democracy? I don't understand that. So I'll give you a chance to—maybe I misunderstood something. So that's my point.

**The Chair (Mr. Toby Barrett):** Thank you, Granville. Back to Randy.

**Mr. Randy Hillier:** Listen, I don't want to conflate different subjects, okay? This is about e-petitions. I still have town halls. I still have forms on my website so that people can contact me and express their views. I still have telephones in my office for people to phone me and tell me their views.

Doing electronic petitions does not prevent me from doing all my historical and accepted practices. Maybe I should say it in this fashion: It's not my purpose and not my intention to make it more difficult for people to contact me. Quite the contrary: I want it to be the most convenient and accessible for them to contact me with their concerns.



1410

To put this in context as well for Granville and for Bas and for others: You've got a fairly large riding, Granville, geographically. It pales in comparison to the geography of my riding.

The largest community in my riding is 10,000 people. It's over 10,000 square kilometres in size. It would encompass about 50 GTA ridings in geography. It is not possible or practical for all those people—and I do the best I can; I have two constituency offices, but still, for people in the Napanee area, it's a minimum two-hour drive to get to the closest constituency office and then two hours back. It's the same as if they are in the Denbigh area or White Lake area. Electronic petitions create more opportunity and more accessibility. I still go up to Denbigh. I still go to Napanee. I still go to White Lake. And they still have the telephone and all those other aspects.

But I'll go back again: If the committee is thinking that it's more important to change the weighting or the outcome of a petition, then that is the first important consideration to address. If not, if we're going to leave the outcome of petitions to be exactly the same as it is today, then that opens up a whole different field of convenience and negates many of the concerns that have been raised. I think it negates all those concerns.

If somebody writes me a letter or if they make a phone call to me or if they send me an email, my interest in their concern is the same. It doesn't matter how they contact me; they've expressed themselves to me. That's the way I do things. Whether I meet them at the Legion for a beer on a Friday afternoon or whether they make a phone call to me or they write me a letter, there's no difference in their importance. That's the way I do it with e-petitions as well. There's no greater or lesser weight to an individual in how they contact me.

**The Chair (Mr. Toby Barrett):** Thank you, Randy. Yes, Michael?

**Mr. Michael Mantha:** Since we're touting our ridings, mine happens to be 86,000 square kilometres with 37 municipalities, 24 First Nations, 15 unorganized areas and a variety of local services boards and roads boards. So this, for me, is a tool.

Some of the petitions, just for the committee's information, that are on my website have my heading on it. However, they are issues that have been brought to me from constituents. All of them, actually, have come up. The ones that I've personalized are in discussions I've had with stakeholders, particularly the one in regard to developing a Lyme strategy. All of them are issues that have come forward from constituents.

And it is from calls, it is from sitting down at a coffee shop, it is from meeting them, it is from knocking at their door. That happens immediately and that's how you engage. That's what we want. You want to be engaged with your constituents, either by phone, by Internet or by town hall. We all do that.

I think, again, if we're not looking at changing the outcome, if we're looking at this as being another vehicle

in order to engage individuals to bring their concerns forward, I think we should welcome it and really challenge ourselves in regard to how we can do it so that it can carry the weight.

I agree with you; even myself, at times—I was thinking about this before I came onto the committee. I said, "You know what? E-petitions are there. How do you validate that signature?" We have ways of doing it where we can actually identify, although the name isn't written by pen to paper—and that's what I was asking Chris earlier. I am aware that the committee had discussions in regard to how we can validate each one of those signatures. Do we want to have everybody from across the country or specifically in Ontario that are signing those petitions?

Right now, like I said earlier, I've had Johnny Cash and Elvis Presley sign many of my petitions, and they went in. But the issue where, even if it's one person that signed that petition, it validates the issue: I think that's what we, as legislators, need to bring in to the House in order to get a response. There are different ways we can do it. We can do it through petitions. I can do it through a direct ask to the minister during question period or, in the halls here, you can have an off-the-record. You can put a letter out in order to do it. I think this just creates an additional vehicle and it facilitates people from your constituency to get involved. We should embrace that.

**The Chair (Mr. Toby Barrett):** Thank you. Does this wrap up discussion?

**Mr. Bas Balkissoon:** I'm finished because I sit in the front and I have to be clean.

**Mr. Chris Ballard:** I have one more comment.

**The Chair (Mr. Toby Barrett):** Chris, yes?

**Mr. Chris Ballard:** Thank you, Mr. Chair. Just sort of a wrap-up comment, because from what I'm hearing—and I absolutely agree—it's really about: How do we engage our citizens? The use of Internet communication technology—a petition software is just one of many. I've used a number of different online tools to engage citizens directly, things like opinion and survey trees, where people come in and work their way through, and I get a good understanding of what the concerns and the issues are, rather than me saying, "This is the issue; sign here." That may lead to a paper-based petition.

But I hear you—especially with such a vast geographical area you have to cover, anything that reaches out to people and gives them a sense that they're communicating with you. As MPP Balkissoon said, my concerns are fairly simple. What do we want these things to do? How do we have the security? If we were to move on e-petitions, how do we make sure that there's not outside influence? If there's a big issue going in front of government and it's a government e-petition, how do we make sure that a foreign power doesn't hack the system and put 500,000 "yes" signatures in or "no" signatures in or whatever? Those are the things that really interest me.

**Mr. Michael Mantha:** Regardless if you have one signature or 500,000, you're addressing the issue that was raised, where that's the outcome—

**Mr. Chris Ballard:** And the concern I have when we talk about privacy: Where do those signatures come from? But again, we're getting into the weeds. I think there's a lot of discussion, a lot of things that individual MPPs can and should be doing to use electronics to better communicate with their constituents. I'll leave it there.

**The Chair (Mr. Toby Barrett):** Fine; thank you. Seeing no more further discussion, I'll just draw to the members of the committee that we did receive a research paper titled E-petitions: Usage Vs Paper Petitions, and Privacy and Security Provisions. We thank Joanne for that. Any comments, Joanne? I know that part of this was in response to some requests.

**Ms. Joanne McNair:** It was Ms. Wong and Mr. Ballard who had asked a couple of questions.

**Mr. Chris Ballard:** I actually read it. Thank you very much. It's good information.

**The Chair (Mr. Toby Barrett):** Eleanor?

**Ms. Eleanor McMahon:** Chair, just a quick question. Thanks, Joanne. I apologize; I haven't read it yet. I look forward to it. I thank you for this.

Is there anything in here about Australia, because I know Australia has undertaken e-petitions, or I believe they have?

**Ms. Joanne McNair:** There is a section on Queensland.

**Ms. Eleanor McMahon:** Is there?

**Ms. Joanne McNair:** It's really the two states, Queensland and Tasmania, who do e-petitions.

**Ms. Eleanor McMahon:** Oh, forgive me. Here it is. Thank you.

**Ms. Joanne McNair:** The Australian Senate does accept them, but they don't do it as an institution themselves. They just will accept e-petitions.

**The Chair (Mr. Toby Barrett):** Thank you for that paper.

**Mr. Bas Balkissoon:** Thanks very much. I haven't read it yet either, but I will before the next meeting.

#### COMMITTEE BUSINESS

**The Chair (Mr. Toby Barrett):** The National Conference of State Legislatures: I'll ask—

**Mr. Bas Balkissoon:** Make a request, as we always do, and then we'll deal with it later. The Chair has to write the House leaders to get permission to travel.

**The Clerk of the Committee (Mr. Trevor Day):** What's in front of you is, we have received an invitation from the National Conference of State Legislatures. This committee has gone, historically, in the past. What is required for us to go are two things: (1) we need a motion asking the Chair to write to the House leaders that

authorizes us to go; (2) the Clerk prepares a budget. That gets sent to the Board of Internal Economy. We're not asking for any further funds; we're just directing that we're going to spend some of our funds in this manner. This is meant as a "Have a look, see if you're interested, and we can discuss it next week." It's really just a primer piece to let you know what's going on.

**The Chair (Mr. Toby Barrett):** Take a look at the back as well; both sides.

**Mr. Bas Balkissoon:** Chair, we shouldn't wait to discuss it. We've always gone—I've sat on this committee—

**The Chair (Mr. Toby Barrett):** I'll work on a letter—

**Mr. Bas Balkissoon:** Mr. Clark was on the committee, and so was Ms. MacLeod.

*Interjections.*

**Mr. Bas Balkissoon:** I'm happy to move this.

**Mr. Randy Hillier:** I just wanted to add in, I've been to that conference on a number of occasions, not with the committee but individually. I think it's a great conference, and it's not limited to just—you can make arrangements with that state Legislatures conference for anybody to go, and it is an effective one. They had it here in Toronto a couple of years ago as well. The Midwest state—

**Mr. Bas Balkissoon:** The Midwest guys.

**Mr. Randy Hillier:** The Midwest state Legislatures conference.

**Mr. Michael Mantha:** That was a couple of years ago.

**Mr. Randy Hillier:** Yeah, a couple of years back.

**Mr. Michael Mantha:** And it was in Puerto Rico a couple of years ago.

**Mr. Randy Hillier:** Anyway, it's an effective conference, in my view.

**Mr. Bas Balkissoon:** Chair?

**The Chair (Mr. Toby Barrett):** Go ahead.

**Mr. Bas Balkissoon:** I have a motion to move. I move that the Chair write a letter to the House leaders expressing the committee's willingness to accept the invitation to attend the 2015 annual meeting of the National Conference of State Legislatures in Seattle, Washington, from August 2 to August 6, 2015, and request that the motion be presented to the House that the Standing Committee on the Legislative Assembly be authorized to attend the 2015 annual meeting of the National Conference of State Legislatures in Seattle, Washington.

**The Chair (Mr. Toby Barrett):** Any further discussion on that motion? All in favour? Okay. That will occur. I'll work on that letter tonight. Carried.

*The committee adjourned at 1422.*





## CONTENTS

Wednesday 15 April 2015

Appointment of subcommittee .....	M-91
Petitions .....	M-91
Mr. Chris Chapin	
Committee business .....	M-102

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Also taking part / Autres participants et participantes**

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



A20N  
XC20  
-L20



M-12

M-12

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 22 April 2015

# Journal des débats (Hansard)

Mercredi 22 avril 2015

Standing Committee on  
the Legislative Assembly

Comité permanent de  
l'Assemblée législative

Petitions

Pétitions



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 22 April 2015

Mercredi 22 avril 2015

*The committee met at 1303 in committee room 1.*

## PETITIONS

## SAMARA

**The Chair (Mr. Toby Barrett):** Welcome, committee, and welcome to our deputants to the Standing Committee on the Legislative Assembly.

We continue with standing order 108(g): petition procedures. We have two people at the witness table. You have 20 minutes for your presentation, and then we'll go around the committee. We've allocated 40 minutes for any questions or comments.

We'd like to ask you to commence just by introducing yourselves, please.

**Ms. Jane Hilderman:** Absolutely. Good afternoon. My name is Jane Hilderman. I'm Samara Canada's research director and an acting director at the organization.

**Ms. Laura Anthony:** Good afternoon, everyone. My name is Laura Anthony and I'm the research analyst at Samara Canada.

**The Chair (Mr. Toby Barrett):** Please—

**Ms. Jane Hilderman:** Continue?

**The Chair (Mr. Toby Barrett):** Come forward, yes.

**Ms. Jane Hilderman:** Excellent. Thank you so much for having us here this afternoon. Samara had the opportunity to speak to our federal Parliament's committee on procedures and House affairs in late 2014 regarding e-petitions as well, where we delivered a message similar to the one we'll be sharing with you today: mainly, e-petitions, we think, offer a very important improvement to our parliamentary institutions for the 21st century.

Before we delve into some of the specifics around e-petitions, I just wanted to spend a little bit more time at the outset explaining where Samara, the organization that we both work for, comes from and how we approach our work as a charity.

Samara Canada was established in 2009 with the mission to increase civic and political engagement in Canada. As a charity we are non-partisan in our approach, an approach that focuses on innovative research and education. We are supported by a number of foundations, a network of donors across the country, as well as some contract work we've undertaken for Elections Canada.

Samara's research explores how Canada's democracy works—or isn't working, you could say—in a way that's

rigorous, but engaging for a Canadian audience. Through our research, we are working to deepen Canadians' understanding of politics to elevate a national conversation about Canada's democratic health and to discuss how improvements could be made to build a more vibrant democracy in our country.

Samara, for example, has conducted the first-ever series of exit interviews with former members of Parliament from across the political spectrum and the country. This research was shared in a series of reports, as well as a book called *Tragedy in the Commons*, which was published last spring. For example, one of the surprising observations was that when we asked former MPs to describe their role, they often had different, sometimes conflicting views as to their purpose as members of Parliament in terms of what they were elected to accomplish.

Samara's research is also focused on how MPs communicate online and how Canadians participate beyond the ballot box. All of our research is publicly available through Samara's democracy reports online.

Most recently, last March—well, this past month—we released Samara's Democracy 360, which is a report card on how Canadians communicate, participate and lead in politics. The report found that despite Canada's strong standings as a democracy on the international stage, something I think many Canadians take great pride in, at home there are cracks actually beginning to emerge in our democratic foundation. Canadians don't believe that their elected officials do a very good job on their behalf, Canadians are not participating in politics as much as they could, and few see how the decisions made in places like the Ontario Legislature affect their day-to-day lives.

This disconnect between citizens and day-to-day democracy is a really big challenge for our country, but looking around this room today, we're here to remind you that you have tools, such as e-petitions, that can help signal to Ontarians that politics doesn't have to be that way. Citizens' voices can be better heard and MPPs in this Legislature can be more responsive to citizens' concerns. The fact that our federal Parliament, one provincial Legislature in Quebec and one territorial Legislature in the Northwest Territories have all recently introduced e-petitions is further evidence that the petitions process is a really timely issue for this standing committee to be studying.

For the remainder of our time, we'd like to outline why, in Samara's view, there is potential for e-petitions

to enhance political participation of Ontarians. My colleague Laura will also outline how the e-petition process can be better designed to be a tool useful for MPs as well. Finally, we'll close by sharing some of Samara's recommendations for the committee to consider while you're thinking about designing an e-petition process.

By introducing e-petitions into the Ontario Legislature, I think there's a really important opportunity here to actually increase the number of Ontarians starting petitions and signing petitions that are eligible to be considered by the Ontario Legislature.

Let's talk about signing petitions. In our most recent Samara Democracy 360 report that I just mentioned, we asked Canadians how many have signed a petition in the last year. I would ask you to guess, but perhaps there's not a usual flow between witnesses and committee members.

*Interjection.*

**Ms. Jane Hilderman:** Ten per cent?

**Mr. Bas Balkissoon:** Less than five.

**Ms. Jane Hilderman:** Less than five?

**Mr. Randy Hillier:** Sorry, what was the question?

**Ms. Jane Hilderman:** How many Canadians say that they signed a petition in the last year?

**Mr. Randy Hillier:** Do I think?

**Ms. Jane Hilderman:** Yes.

**Mr. Randy Hillier:** Probably very few.

**Ms. Jane Hilderman:** Very few?

**Mr. Randy Hillier:** Yes, less than five per cent.

**Ms. Jane Hilderman:** Actually, 64% of Canadians said they'd signed a petition, which is quite extraordinary. It was the second-most-popular form of political participation, after charitable giving. Importantly, that rate of participation is just as high among Canadians aged 18 to 34; 71% of them said that they had signed a petition in the last year. We are a nation of petition signers.

Our research does not tell us how many of these Canadians are signing petitions on paper versus online. However, we suspect that with the popularity of sites like Change.org and Avaaz.ca, it's likely that many are using online petitions. I think the important thing to take away from this statistic is that there's a really strong appetite to sign petitions among Canadians, and I think that is a wonderful thing that could be better taken advantage of to connect citizens' willingness to participate through that forum and the Ontario legislative petitioning process.

1310

Right now, in the current system, the paper-based process is somewhat cumbersome for an increasingly online citizenry. If you are curious to understand how many Ontarians have actually signed petitions tabled in the Ontario Legislature, that information is difficult to find. If you want to ascertain what issues are petitioned on a more frequent basis, this is also quite difficult to find. These are lost opportunities for a Legislature and for MPPs to understand what issues citizens say they care about and are most salient in terms of their concern.

As you consider the design of an e-petition system for the Ontario Legislature, an important metric of success

should be increasing the number of citizens starting and signing petitions. Having reviewed some of the transcripts from this committee in terms of past meetings on e-petitions, I'm aware that there have been concerns that perhaps there might be too much participation in the form of frivolous petitions, too many petitions started or thousands upon thousands of signatures. This may sound strange, but I would say that those are very good problems to have. In our view, it would mean more that people want to engage with you. As you design an e-petition system, I think it is better to create a system that makes it easier, rather than more difficult, for Ontarians to be a part of the petitions process.

**Ms. Laura Anthony:** The final way that e-petitions can invite more participation is giving greater impact to the petition process. The advancement of e-petitions has also encouraged a discussion on petitions' impact, as well as the nature and timeliness of a government's response. Samara encourages the assembly to reflect on its goals for the petitions process. Samara is confident that the introduction of an e-petition system would be an important democratic reform that could increase citizens' interest with, and engagement in, the political process.

The assembly's adoption of e-petitions could lead to two outcomes. First is a system that incorporates e-petitions into the paper-based system. This looks pretty much like what we have now, with the addition of online signatures. The other option is a more transformative option. It seeks to renew the petition process with political engagement and public interest at the forefront.

If the assembly proceeds with this second option, this updated approach could go one of two ways, if we look at other jurisdictions as examples. On one hand, there's the option to create a dedicated petitions committee. This is what we see in Scotland and Wales and, most recently, the UK. The second option is to refer petitions to an existing standing committee, and this is what we've seen Quebec do.

Either of these options would signal to Ontarians that the Legislative Assembly is considering how to improve the petition process and potentially consider the contents of petitions in a more substantive way.

The future of a petition, given these two approaches, is decided in the appropriate committee, potentially giving more weight to the democratic voices expressed in the petition process.

In addition to increasing participation, another way that e-petitions have the potential to modernize democracy is by increasing the relevance of the Legislative Assembly. The petition process presents a unique opportunity for citizens to engage directly with their parliamentary institutions, and this is a rare opportunity for many.

Citizens' disengagement from the political process, as Samara's research shows, is also widely documented. Samara found earlier this year that only 31% of Canadians think that political decisions affect them every day, and 7% said they are never affected by political decisions.



Although an enhanced petition process will not resolve the disconnect between Canadians and these parliamentary institutions on its own, a well-designed e-petition system can facilitate a feedback loop between petitioners, MPPs and the legislative process.

A petition process can increase the relevance of the assembly in Ontarians' lives by giving greater access to Parliament's petitioning process while helping MPPs and their staff better understand what issues are of concern to Ontarians.

Reviews of the e-petition system in other jurisdictions have considered how to strengthen the connection of citizens to the process. For example, in the UK, it was recommended that signatories to e-petitions be given the option of alerting their local MP that they could have their name added to an e-petition. This is an option Samara will later recommend that this committee explore.

An e-petition system could also allow for the petitioners to opt in to be contacted about each step of the petition, allowing them to follow the petition process in the assembly. This is a benefit not currently afforded to paper-based petitions.

A website could also increase the transparency of the petition process for Ontarians. Visitors to the site could be able to review all current petitions and read the appropriate government response to petitions that have been closed.

Now that Jane and I have outlined the potential for e-petitions to modernize democracy, I'll outline four of Samara's recommendations for this committee to consider in your review of e-petitions.

Our first recommendation is to ensure that openness, participation, responsiveness and consistency are core principles that drive your decision-making for e-petitions. This may sound simple, but it's worth emphasizing how important it is to put yourselves in the shoes of citizens who will interact with such a system and the rules and processes. In practice, for example, this means the steps required to sign a petition should be simplified since we know from research that the first 10 hours of a petition are the most important and critical for gaining public momentum.

The second recommendation is to consider a role for a committee or committees to consider petitions. Samara encourages the standing committee to consider how Ontario's petition process may be modernized to encourage citizen participation by considering the various output options. Among Legislatures that have introduced e-petitions in the last decade, including the UK, Scotland, Wales and Quebec, they have created designated petition committees. It's important for this committee to consider the advantages and disadvantages of these petition committees, as well as the advantages with staying with the status quo, when determining which approach to take with e-petitions.

The third recommendation is to clearly communicate how e-petitions will be used and use this as an opportunity to remind Ontarians of the ways they can further express their ideas to the members of provincial Parlia-

ment. It's important to minimize risk of public disillusionment when most petitions, electronic or otherwise, will not have an immediate or significant impact on legislation. This means helping to set an appropriate level of public expectation where e-petitions are concerned and avoiding reward thresholds—if you garner 100,000 signatures, this will trigger a debate in the assembly.

Our final recommendation is to consider how e-petitions can be used as a tool for MPPs to understand their constituents' concerns. A challenge frequently cited by former parliamentarians who were interviewed as part of Samara's MP exit interviews is figuring out what matters to their constituents. They're often left to rely on correspondence with their office or by word of mouth at local events. Allowing petitioners to opt in to notifying their MPP that they care about the petition issue may help MPPs track issues of local concern, and this is an option worth exploring.

One thing that this committee should explore is whether or not MPPs would be given the opportunity to follow up with a constituent who's signed a petition in their riding. This would require the exchange of personal information from the petition process to the MPP.

Alternatively, could MPPs receive an automated report once or twice a month that advises on the number of constituents who had signed a petition in their constituency, and on what issues?

Jane and I have only discussed some of the issues put forward to this committee to consider. Samara is happy to serve as a resource for all members of provincial Parliament from all parties. We hope our oral presentation and this brief that we have provided to you in a written document have provided valuable ideas for the members of the standing committee as they deliberate on e-petitions. Thank you for your time today.

**The Vice-Chair (Mr. Garfield Dunlop):** Thank you very much, ladies, for your deputation and your presentation. We have some questions. I believe there's up to 20 minutes for each caucus?

**The Clerk of the Committee (Mr. Trevor Day):** It's 40 minutes total.

**The Vice-Chair (Mr. Garfield Dunlop):** Forty minutes total—so you have about 13 minutes. Mr. Hillier.

**Mr. Randy Hillier:** Listen, thank you very much for being here today. My congratulations for the good work that Samara does. I have read some of your publications, and Tragedy in the Commons was an excellent one for all members to read.

You're promoting the idea of having a more substantial output from the petition process as well. In your notes, you talk about the dedicated petition committees in other jurisdictions. The makeup of those committees: Are they the same as the makeup of other committees, or are they done in an unbiased or equal fashion of members from different parties? As I'm sure you're aware, here and in most Westminster systems, the committee makeup is a reflection of the House, so in a majority government—just if you could speak to that. Is the petition committee done any differently?



1320

**Ms. Jane Hilderman:** My understanding is the petition committee becomes like a standing committee of the Legislature in that it's comprised of a mix from the different parties. But specifically, I think this is something your research clerk may be able to dig deeper into if you're really interested in the makeup of those committees.

**Mr. Randy Hillier:** It would have a big effect if it was structured more like a select committee where there's a less partisan bias to it. I could see it being a much more useful function than if it's made up in regular standing committee format, because any petition that would be, say, contrary to the government's views would certainly not get a very substantial hearing.

I was just wondering if you had any insights on how the functionality of those committees has been operating.

**Ms. Jane Hilderman:** Certainly. Only that we've seen in, I think, the Quebec instance where petitions have been dealt through different means, whether they've been referred to another committee for further study—and then in Wales that petitions committee can call witnesses to discuss that petition in front of them in terms of deepening their understanding. They can also refer it back to the House for a debate or for a government response.

By creating a committee, I think it maximizes the flexibility on the part of the Legislature and MPPs to figure out what to do with it.

**Mr. Randy Hillier:** The other point that you've got here in the consistency, which I would agree with completely, is that there not be two different systems. There ought to be one system, the same system, for both electronic and paper petitions. Is there any evidence where there are two systems or different systems coexisting within a Legislature?

**Ms. Laura Anthony:** No, not currently. We couldn't find any evidence of that. The UK did have a different system between Parliament and their government but they've recently merged them.

**Mr. Randy Hillier:** Yes, that was proved to be not quite as beneficial.

**Ms. Laura Anthony:** Exactly.

**Mr. Randy Hillier:** Okay. I really think that we need to understand what we want to achieve—if we want to have a different output or if we want to leave it as the same output as we have today—before we can determine what process we're going to do to achieve it.

I would like to see us at some time down the road put more weight on petitions, that they actually do trigger a different process or a different outcome whether it be a debate in the House or further testimony and evidence in the standing committee. I don't think we're anywhere near that agreement yet, but it may come down the road.

Have you seen any problems, difficulties or unintended consequences from any Legislature or assembly that has introduced e-petitions to run concurrently with paper petitions?

**Ms. Laura Anthony:** One of the biggest problems that I read—caveat with it being a problem again of too

much participation—was in the UK where they set the reward thresholds. That's why we want to avoid it. We don't recommend—

**Mr. Randy Hillier:** And that was the government-sponsored petition process, not the assembly or the Parliament initiates this.

**Ms. Laura Anthony:** Yes.

**Mr. Randy Hillier:** Thank you very much.

**Ms. Jane Hilderman:** Just to expand on that, it seemed that for one, citizens were led to believe that reaching that 100-signature threshold would result in a debate in the chamber of the House, but in some cases that debate actually happened in a secondary chamber they have created that few citizens know about called Westminster Hall. It's sort of a committee hearing, so it didn't quite meet the expectations that citizens had imagined in terms of having a fulsome debate inside their House of Commons. There was some confusion, I think, on MPs' part because they hadn't bought into the government petitioning process.

That's probably not going to be the case here because you are all part of the Legislature and this is a legislative process, so that you'll all come to agreement that way.

**Mr. Randy Hillier:** I share that. I would like to have that problem of too many people being involved in our democratic institutions and our processes.

**Ms. Jane Hilderman:** I believe the Northwest Territories took the approach that they would pilot their e-petition system and see how it worked and then stop and evaluate, which is also an approach that is available and perhaps not always how Legislatures approach change—that change once made can't be undone. But it built in a process of evaluation and revisiting and tweaking the system.

**Mr. Randy Hillier:** I think a sunset provision is a good idea whenever you're embarking on a new and substantially different process, and one undertaken previously. Thanks.

**The Chair (Mr. Toby Barrett):** Thank you, Randy. Any further comments?

**Mr. Randy Hillier:** No.

**The Chair (Mr. Toby Barrett):** Third party? Michael, any comments or questions?

**Mr. Michael Mantha:** Thank you for joining us here today. Both of you are one of the biggest reasons why, personally, I'm supportive of e-petitions. I see two bright young faces, individuals that I want to reach out to greater, individuals that feel—not personally yourselves, but younger individuals throughout this province, throughout this country, feel a disengagement with our political system right now. I speak of that because that's what I hear when I'm sitting with them at the coffee shops or talking to them on the street: "It doesn't matter what I say. You guys are going to do whatever the hell you want to do, and you're not going to listen to me." That's what I hear all the time.

I'm very familiar with the Samara group. It's fabulous, the work that you're doing. It's encouraging to see that. Two individuals that came out of my office were actual-



ly—one was a finalist last year, and the year before that, one was the one that received the award. So, they've briefed me quite well in regard to the goals and objectives of what Samara does, and I applaud you and the work that you're doing.

It's evident from the work that you've done through your appendix 1—and I would encourage all the committee members to look at the appendix. If you highlight some of the questions that you've put out, I believe, through your survey, the highest marks as far as percentage are all the ones the ones that are politically motivated, are geared towards politics. So you have: "Have you discussed politics or political issues face to face or over the phone?" You get a return of 52% of people that have actually discussed. "Have you circulated, re(posted) or commented on political information?"—35%. "Have you attended a political meeting or speech?" Under "Formal Engagement," 29%. "Have you signed a petition?"—64%. "Have you worked with others to solve a problem in your community?"—40%.

It's amazing. If we need a reason for e-petitions, it's exactly that: to have greater engagement, so that individuals across the province and across this country have a sense of, "I'm participating in the day-to-day decisions of my everyday life. I have an impact. I have a voice. I can participate." This is exciting stuff. I really like this.

My question to you is a very simple one: Is there anything that you didn't cover which you would really want to highlight as to the benefits of e-petition, in regard to how it reaches out, how it actually brings people under the questions, the challenges, and everything that we're facing—through services, through our society, through the election process and through involvement? Please, tool us up.

**Ms. Jane Hilderman:** All right. Well, one thing we do at Samara annually is review all member of Parliament websites. Our focus, as you may have discerned from our presentation, is more generally on the federal level. It's sort of a capacity decision because there's only seven of us on our team. This is the research staff at Samara right here. But we visit all 308 MPs' websites, with the exception of the leaders and the Speaker—no, we do do the Speaker.

We have a checklist of items that we look for, and one of them is: Is there any information on how to petition Parliament or MPs that maybe have links to other petitions that they want to let their constituents know about? We found 27% of MPs actually had some information about the petitions process. So, again, it's sort of a missed opportunity, where more could be sharing that information with Canadians and making it just easier to know about how to be involved. We also looked at, do you have information on how to volunteer? Do you have information on how to contact your MP? Some basic stuff. The contact information is largely all there, which is a great thing, but we're starting to miss some other things.

1330

With the petitions process, if you do end up making a change and introducing e-petitions, I think there's prob-

ably some awareness-building that will need to happen in order for people to actually realize that there has been a change made. Some people are very surprised, I think, to know that they can petition a Legislature. It's just not necessarily really well-known information. I think organizations like Change and Avaaz are great at collecting hundreds of thousands of signatures, but they don't tell you that those signatures can't be presented and tabled in Parliament, whereas if you create an e-petition system through the Legislature, it can. I think that's powerful. So it might be worth some consideration of the committee to allocate and encourage the Legislature to do some public awareness-raising around that issue and encourage other MPPs to share that information with their constituents, so that it's actually a change that people learned about that's happened.

**Mr. Michael Mantha:** Do you find the traditional petitions that go out with signatures that are posted up versus an e-petition—again, I'm trying to focus on the 18 to 34. Which one is the most popular with them? And when you're looking at that paper petition, you're reading, you're engaging yourself and you're putting your signature to that paper. To me, I'm committing myself. In the eyes of an 18-to-34-year-old, what is the difference between putting my pen to paper and putting my finger to the screen? What is the difference as far as my commitment? Is there greater commitment? Is there greater engagement? Is it lesser? Do I fully understand what's on it?

**Ms. Laura Anthony:** When it actually comes to the differences between petitions, our research just asked about petitions broadly. So something that I recommend that this committee look further into is how people experience that difference. If we really dug into that 64%, I think we would find that the majority are signing petitions online. If we were to count the number of actual petition signatures federally or provincially, we would probably be around that 5% to 10% threshold that many in this room thought.

When it comes to a behavioural standpoint of political participation and engagement, petition signing is actually very low. It doesn't require that much time, that much effort or that much skill. So when you consider joining a political party or contacting your MPP, petition signing is something that's relatively low on the bar. So we're not sure of the exact differences between youths' ability to sign their physical signature versus online, but the majority of us in this room know that Canadians' lives are experienced online.

**Mr. Michael Mantha:** It might be a good topic for Samara to chat on one of these chat afternoons that we have. I know you have many chat engagement afternoons. I know I've participated in a couple of them or attended some of them. I really enjoy the amount of questions that go out there. This might be a tool that you might want to explore.

**Ms. Jane Hilderman:** Well, I think that's a great point, which is that we know, statistically, young people don't go to the ballot box as much, but I think it might be



the wrong message to tell young people that they don't vote. They vote every day by their liking, their re-tweeting and their signing of petitions. You may feel that this is clicktivism, but it is still expressing an opinion and it's these online tools that have helped facilitate that expression. I don't think you should dismiss it because it's easier to do.

Young people—this is more speaking from my experience—I think they do weigh exactly what they are re-tweeting, liking and following. So lowering the bar in terms of making it easier is not undermining the quality of engagement.

**Mr. Michael Mantha:** Okay. And you just brought up a point: that by having that individual participate on an e-petition, for me, that's engagement. It just pulls that individual to, "If I'm asking for this change through a petition, it will give me that incentive to go out to the ballot box and actually solidify that choice that I wanted to make. It'll give me that opportunity to say, 'This is the choice that I made on this petition, on that petition and on that petition. I'm looking at my choices that I have.'"

I see it as a tool that would encourage and incentivize that person to actually go out to the ballot box, go out and get engaged: to be a community activist, to start speaking up, to sign a petition, to get involved. That's the tool that I see. Is that some of the results that you've had from the organization?

**Ms. Jane Hilderman:** Whenever you're looking at improving engagement, it's important to make it meaningful. That meaningful point comes back to that feedback loop. I think the stronger you can make the connection between someone putting energy into the system and it reacting to their effort—it can be as simple as literally letting them know that the petition has been received and is acknowledged. It can be more advanced, in terms of "Here's the government response, if you care to read it. And here are your other options, if you want to follow up on that."

What we want to do is create a ladder of engagement, so that step one is easy, but then it opens the door to a second step, a third step, a fourth step. That's where having a very good feedback loop—so that people see the responsiveness and they're rewarded for that responsiveness, just by recognizing that their voice got heard—is very powerful. It is the basis of a lot of research on how to do engagement.

**Mr. Michael Mantha:** Yes. There's a young gentleman that was recognized I think it was last year. He summed it up; he said, "I'm not a political activist; I'm a community activist." He's just looking, first of all, at what's going on on his street and within his community. He's basing his decisions on that and the needs.

Again, hats off to Samara. You're a wonderful organization. I'm looking forward to building my relationship with all of you, because it is amazing, the amount of work and effort that you're putting into getting a lot more people involved into the decision-making processes, not only in Ontario but across this country. So kudos. Thank you.

**Ms. Jane Hilderman:** Thank you.

**The Chair (Mr. Toby Barrett):** Thank you, Michael. I would ask if any government members would like to comment?

**Ms. Soo Wong:** Do you want me to start?

*Interjection.*

**Ms. Soo Wong:** I've got lots of questions.

**The Chair (Mr. Toby Barrett):** Yes, Soo.

**Ms. Soo Wong:** Thank you for coming to today's committee meeting. Let me begin by asking, given that you're a national organization, when you were doing work with the federal MPs, did you check with the Privacy Commissioner in Ottawa as to what their views are on the e-petitions?

**Ms. Jane Hilderman:** We haven't spoken with the Privacy Commissioner. From what I recall in terms of the House of Commons committee, they were concerned about privacy, but felt, I believe, that with the support of the IT department from the House of Commons—they indicated that there was a way to ensure privacy would be handled appropriately. There was some concern over sharing of information between an online legislative process and the political side of parties having access to that information as well. I think that, ultimately, the House of Commons committee decided that it would only be information that would be housed by the House of Commons and not something that MPs would be able to have access to and subsequently pass along to other parties, by accident or by intention.

If you're interested in the privacy question, I'm sure the Privacy Commissioner probably has guidelines for how to ensure privacy is maintained.

**Ms. Soo Wong:** I also want to check in with you, because we live in a very diverse community: the province of Ontario. I know my riding is very diverse. How do you deal with constituents who come from very state-run countries? They're very sensitive to disclosing any information, let alone put their signatures, their addresses—because when you do a petition, any type of petition, you are required to disclose your personal information. Has your organization dealt with these kinds of concerns in dealing with diverse communities?

**Ms. Jane Hilderman:** We do work with diverse communities in some of our outreach programming, specifically a program we have called Democracy Talks, which is about encouraging political conversation in communities where politics is not always—or is more of a taboo subject sometimes. That can be because of where they've come from, that politics just wasn't something you engaged in, or, if you did, you were at risk from government.

Our experience is, if you set the norms and make clear the norms at the outset, that this is actually a Canadian value to participate, and you offer a constructive, somewhat non-partisan way to engage initially, a lot of communities are very open to their involvement. There may still be language barriers, which is an interesting question. That's something, perhaps, for this committee to consider, whether you would be able to offer, for ex-



ample, petitions available in different languages, as needed.

1340

But I think the point here is, if you invite participation and you make clear that this is something that is done in Canada and that it's safe and encouraged, the barrier to overcoming that hesitancy, reticence to get involved is actually not as high as you might think.

The funny thing is, often when we have spoken to new Canadians, they're very attuned to culture, because they've come from somewhere else and they can see differences very quickly. Many of them have said, "Canadians don't really care about politics." I can see that from my interactions with them. I read this in our citizenship guide. It tells me how to vote, but it also tells me all about the beaver. I think there's as much information on the beaver as there is on how to vote. How does this equal out in terms of the signals we send to newcomers in terms of what does it mean to be a citizen in this country? I think we can do a better job of creating a culture of engagement, and that helps normalize it very quickly in terms of being involved in politics or in public life.

**The Chair (Mr. Toby Barrett):** Thanks. Bas Balkissoon.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. I've just got a couple of questions. I listened carefully and I made a note here. One of your comments while you were presenting was greater impact, and you mentioned the ladder of engagement, feedback and other options as part of the process. Obviously, I think you have in your minds some kind of a framework of how the system may work from input to output and expectations. If you could just give me a small picture of what you see as a wholesome system, I would really appreciate it.

**Ms. Laura Anthony:** Okay. I guess our ideal petition system would have an online template. This would look something like change.org, but it would be hosted by the assembly on the assembly website. But it would be easy to share on petition or social media accounts.

**Mr. Bas Balkissoon:** So when you say the assembly, the neutral body of the Clerk?

**Ms. Laura Anthony:** Yes.

**Mr. Bas Balkissoon:** Thank you.

**Ms. Laura Anthony:** And this would be something that's based on people's current digital realities, something that's very intuitive. The federal government, and I think we both—Samara is a fan of this approach. The information that they ask for, in terms of privacy concerns and safety, is the name, the petitioner's address, and then they have to sign—

**Ms. Jane Hilderman:** The mailing address.

**Ms. Laura Anthony:** The mailing address, yes, as well as the email address. Then, the verification loop is, "I declare that I am a resident or a citizen of Canada." Then they are sent a confirmation to that email address. That kind of handles all those concerns from the outset.

The length that the petition is live on the site is up for this committee to study. Our federal counterpart is keeping the petition on the site for 120 days.

**Mr. Bas Balkissoon:** Okay, but who do you see as the crafter or the creator of the petition: the general public or members of the assembly?

**Ms. Laura Anthony:** I think that an MPP should endorse or have to sign on to a petition. I think that that's what is happening at our federal level. Petitioners come up with the e-petition themselves, and then they propose the petition to an MPP.

At the federal, they have five options. They can go to five different MPs to get someone to support their petition, after which, if they don't find support, the petition committee re-evaluates the life of the petition, and the petitioner is aware of that decision. But I do think it's important for an MPP to have to endorse or support.

**Mr. Bas Balkissoon:** But you will face the reality that, if the petitioner lives in a particular member's riding, and the petition is something the member doesn't support, then you run into the first roadblock, which I think the UK dealt with. They don't need the endorsement of an MPP anymore. The general public can get it uploaded onto the site, as long as they get a small number of supporters at the front end, which makes it more neutral.

I'd like to hear your opinion on which one you support.

**Ms. Jane Hilderman:** On the point on local MPPs sometimes not necessarily endorsing the content of a petition, in some ways it can become a personal choice. I know of MPs in the House of Commons who will support a petition and present a petition that they don't agree with, but they believe that it's important that their constituents have access to that process of petitioning. They will say, "This is not something I agree with, but I think it's important that these hundreds of people who signed this get a government response." So that's a personal choice that you can make clear to your constituents, whether it's your policy to support any petition that comes through or only ones that you agree with. If you don't agree with it, and you're not willing to present that petition or be a sponsor of the petition, you can advise them that they're going to have to seek support from a different MPP.

**Mr. Bas Balkissoon:** But if you remove that barrier for the petitioner, I think it's a plus because they'll be able to get it up on the central website—no involvement of a particular MP. I mean, an MP can still sign on if they like the idea, whether it's in their area or someone's else area, but for the petitioner's sake, you make it less cumbersome, and it's more practical.

I think this is why the UK went with the model—because you're also saying that you support the model of a petition committee to vet the petition. This way, it makes the vetting process neutral and unbiased in every way possible, because we're in a party system here, which is probably different than the Northwest Territories. I was going to raise that with you. The Northwest Territories don't have a party system.

**Ms. Jane Hilderman:** Sure.

**Mr. Bas Balkissoon:** What do you see as the outcome now, after the petition committee deals with it? You have a government that is in power; they ran on a particular



platform and mandate, and they see themselves being here to accomplish that as a first priority, but you're now introducing a different stream of information or requests. How do you see the government dealing with the outcome or the assembly dealing with at least giving an outcome to that particular petition?

**Ms. Jane Hilderman:** Well, right now, there is some outcome and I think this is why the MP endorsement—if you kind of just modify the system so that you accept online signatures, you still need an MPP to stand up and table the petition. The petition can't be tabled on its own. It needs someone inside the Legislature—

**Mr. Bas Balkissoon:** In the UK, it's going to go to the committee.

**Ms. Jane Hilderman:** Exactly, so you need it either way. If you go with the committee approach, then you probably don't need a sponsorship because it's going to get reviewed by a body. If you don't have a committee, you're going to need someone to sponsor it. So that there's some way to get into the Legislature—that's the point.

**Mr. Bas Balkissoon:** Right.

**Ms. Jane Hilderman:** An interesting question, I think, for your committee is to consider—right now, if you get a government response after 20-odd days—

**Ms. Laura Anthony:** Twenty-four.

**Ms. Jane Hilderman:** —twenty-four-odd days, are those responses substantive enough? I don't know if this committee has reviewed in terms of what those responses are comprised of. At the federal level, I would say that sometimes they're not very satisfactory in terms of meaningfulness—

**Mr. Bas Balkissoon:** And that's why you want a different outcome?

**Ms. Jane Hilderman:** That's why having flexibility to determine different outcomes—sometimes you may get an issue that you think, "Actually, this is really important. This could deserve some debate." It could deserve a study. It could deserve a reference to government for a review, all sorts of things. So that allows you some flexibility to sort of weigh the content of the petition.

**Mr. Bas Balkissoon:** Okay. One issue that's been raised to me—and I don't know if you've thought about it, and if you haven't, I'd like you to and get back to us later on. In a diverse community like Ontario, rural Ontario may have a thousand people in one town and 10,000 in another, and then guys like us who live in the GTA can reach all our people in a hurry. A petition in the Toronto area can be easily signed and supported with a broad community with a lot of signatures, but a petition in my friend Mr. Mantha's riding might only have a small amount of signatures, but it's an issue that is very important and is relevant and might need government action quickly. How do you see that being vetted and dealt with fairly?

**Ms. Jane Hilderman:** Right. Well, this is one reason why I think the thresholds—we are hesitant to endorse thresholds because if you have a 10,000-signature

threshold, it can make it easier for some issues that have that urban constituency behind it to easily reach that limit, whereas with some other issues that have merit it may be harder.

1350

Again, this is not an exact science. That's why a petitions committee would have to weigh—this petition has 30,000 signatures and this has five, but this issue is not something that has been discussed or studied by a committee in the last five, 10 years. So it is putting the onus on MPPs to be legislators and to consider how these things should be weighed.

**Mr. Bas Balkissoon:** Okay. Thanks very much, and thank you for being here.

**Ms. Laura Anthony:** Sorry. One thing I wanted to add to that—

**The Chair (Mr. Toby Barrett):** Very briefly.

**Ms. Laura Anthony:** I think an important part of that discussion is that that's not a consideration with paper-based petitions at the time. So this whole discussion and renewing of the petition process could allow for that thought.

**Mr. Bas Balkissoon:** That's what I'm saying. If you want to improve it, you've really got to go all the way.

**Ms. Laura Anthony:** Yes.

**The Chair (Mr. Toby Barrett):** Thank you, Bas. Over to Randy.

**Mr. Randy Hillier:** Hopefully we can get into two more functions or two more subjects here. The first one is the MPP sponsoring. I think this is important for the members on the government side to listen to as well. At the moment, we can table any petition that we find, whether we agree with it or not. We have unfettered access to table a petition. And I think you also stated that the system should be consistent, the same for electronic or paper. I think that's a must.

If we go with the committee style, where, as the member from Scarborough—Rouge River mentioned, in the UK you just upload to some body and then a standing committee vets those petitions, and if the standing committee is based on numbers that represent the House, contrary petitions are very possible or subject to being vetted out of this system before they get anywhere.

I'll just give you an example. Last Tuesday, I put up a petition about vaporizers, e-cigarettes, which is a bill in front of the Legislature, and I tabled it this week. Now, I couldn't table the 3,000 signatures that I had received online, but I could table the petition and mention in my address that I had received 2,738 signatures in that week. In the UK model, it's very likely that that petition would not be able to be tabled in the House at all if it was contrary to government policy, and it certainly wouldn't be able to be tabled in that sort of timely process. I'm not sure; whenever you have a system like the UK or where there's a body doing deliberations, there has got to be a long process involved.

I want to ask you this—maybe I'll finish off. That may not affect the government members today, but the government members who are in opposition, hopefully



sometime in the future, would want to be able to represent their constituents unfettered.

The way we're doing it right now, that all parties in this Legislature or members from all parties in this Legislature are doing—like I just stated, I put up a petition, I collect the signatures, but I introduce a paper version in the House. Are you aware of any other assembly or commons or Parliament anywhere that has prescribed that process or has tried that process, where individual members do the petitions and introduce them into the House?

**Ms. Laura Anthony:** Sorry, I'm not sure—

**Mr. Randy Hillier:** Where I, as a member—I don't have to go through any other committee. Nobody else has to—

**Ms. Laura Anthony:** But with an e-petition process.

**Mr. Randy Hillier:** —seek approval; they just need to find an MPP willing to do it.

**Ms. Laura Anthony:** Yes. The federal legislation that just passed is that system. They keep the regular paper petition process as well as add this e-petition sign. As a petitioner, I go on the future website—because it's not developed yet—and I click on “menu,” then “MP,” and I have to find an MP that will support my petition. Then that MP will present or table the petition in the House.

**Mr. Randy Hillier:** Right. But you mentioned that they only have five kicks at the can?

**Ms. Laura Anthony:** Yes. But that's the current—

**Mr. Randy Hillier:** That's the current. So you want to make sure—I guess there is some vetting there. If you select five, and they're no go, then your petition is then—is that petition, then, squashed forever? Or is there a period of time that has to lapse before you can try another five MPs?

**Ms. Laura Anthony:** I'm not too sure of the exact details. I know if a petition doesn't reach the 500 threshold, it dies, and then it's dead for a year before they can try again. But I'm not exactly sure if they don't receive the five MPs.

**Mr. Randy Hillier:** One last—I'll just see if I can get this. At the moment, as we're doing it here unofficially, or unrecognized, the way we're doing it here—it's not recognized in the standing orders. But Laura comes to me and says, “I want to have a petition about vaporizers. Will you put it up on your website and collect an online petition?” and I say yes and I do it. Is there any other assembly that has recognized that sort of process, or who has tried that process, where it's just the constituent and the member and no other body to interfere with that process or vet that process?

**Ms. Laura Anthony:** Not that I'm aware of.

**Mr. Randy Hillier:** Not been tried, not in practice anywhere, as far as you know.

**Ms. Jane Hilderman:** Most cases of e-petitions, it's being housed by the Legislature, by the Parliament.

**Mr. Randy Hillier:** Right. I understand that there are some that are not housed by the Legislature but housed by individuals or, where we've also seen it, housed by another branch of government, like 10 Downing or the

White House. But I understood that there were some that did not require—I believe it was the senate in Australia that doesn't have a pre-set or a pre-formed assembly petitions site.

**Ms. Jane Hilderman:** Australia has a few different systems, because they have their national Legislature and then they have the state Legislatures. In our view, I think there's a case to be made that it's important to try to involve the Legislature, because the Legislature is also the sort of permanent interface between citizens and the democracy. So by having it housed—

**Mr. Randy Hillier:** I certainly agree. Compared to things like change.org and whatnot, we see those are getting substantial petitions, but not in any way that we can actually—

**Ms. Jane Hilderman:** Use them.

**Mr. Randy Hillier:** —use them and utilize them. I think there has to be a process of where we—maybe at some point we might also be able to recognize a change.org petition and have it introduced into the House.

**Ms. Jane Hilderman:** True. Today—

**The Chair (Mr. Toby Barrett):** I'm sorry. That pretty well wraps up the time for the opposition. Actually, this does conclude the time that the—

**Mr. Michael Mantha:** I think I have a minute.

**The Chair (Mr. Toby Barrett):** You have one minute?

**Mr. Michael Mantha:** I think I have a minute, a minute and a half.

**The Chair (Mr. Toby Barrett):** Sure. I'm sorry. Go ahead, Michael.

**Mr. Randy Hillier:** I thought he had two.

**Mr. Michael Mantha:** You thought I had two?

**Mr. Randy Hillier:** Yes.

**Mr. Michael Mantha:** Okay. I agree. I'll take the two.

**The Chair (Mr. Toby Barrett):** I've got him down for one.

**Mr. Michael Mantha:** I've got the one.

I just want to first thank you again for coming out.

My friend Mr. Balkissoon, I completely agree with you that there should be greater weight in petitions that come particularly from Algoma-Manitoulin and northern Ontario. I agree. If that's something that we can put a motion on right now, I'm willing to put that motion forward.

However, I do want to thank you for coming out. In the last 30 or 45 seconds that I have, I want to leave it up to you. Is there anything that you wanted to touch on that, again, you didn't feel like you touched on in your notes today to encourage individuals to look at e-petitions seriously?

**Ms. Jane Hilderman:** I would only just iterate that I think this is between—when you're designing a system and there may be some risks involved with not getting it immediately right or maybe worrying about too many people signing or people who you're not sure if they're truly Ontario residents—it's a petition; it's not law yet. I



think there's some room for flexibility in terms of your design. The motivation should be to improve the relationship between citizens and your work as legislators and the Legislature itself—so increase the number of signatures, increase the number of petitions and help improve that feedback loop between citizens and the political process. If those are the guiding principles, I think you'll come up with a great system.

1400

**M. Michael Mantha:** Merci, Jane. Merci, Laura.

**The Chair (Mr. Toby Barrett):** On behalf of the committee, thank you for coming before the standing committee. This does conclude the time that the committee allocated for this. Unless there's any change to the committee's wishes, we've wrapped up this part of the agenda.

*Interjections.*

**The Chair (Mr. Toby Barrett):** Does the committee want to reconsider the time? Do you want to add on to the—

*Interjection.*

**Mr. Bas Balkissoon:** I would move, Mr. Chair, because we don't have another deputant, that we each be given two minutes.

**Mr. Granville Anderson:** I just wondered, I see—

**Mr. Bas Balkissoon:** No, no. Wait. He has to deal with it.

**The Chair (Mr. Toby Barrett):** Agreed? Agreed.

**Mr. Granville Anderson:** Okay. I won't even take a minute. I just wondered. You had 64% participation, but the question was worded just, "Have you signed a petition?" So it could be a petition for anything, right? It could be to a Legislature. It could be to another private body for something that somebody wants or is lobbying for. Correct?

**Ms. Laura Anthony:** Yes.

**Mr. Granville Anderson:** Okay. I just wanted to clarify that it wasn't to a Legislature or to a Parliament.

**Ms. Jane Hilderman:** What is interesting, though, is even when you look at what International Survey did on petitioning, Canada is still higher than most other democracies in terms of reported petitioning. We just have a culture that likes to petition more.

**Mr. Granville Anderson:** Okay, thank you. That's all I wanted.

**The Chair (Mr. Toby Barrett):** Yes. I'll go to Eleanor.

**Ms. Eleanor McMahon:** Thank you. This is great—very interesting. Why do you think we're such a culture of petitioners?

**Ms. Jane Hilderman:** Good question.

**Ms. Eleanor McMahon:** Does it have anything to do with our high Internet usage and our high online capacity? I'm just curious. I find that really interesting.

**Ms. Laura Anthony:** I was pulling some numbers yesterday, and in the 2012 Statistics Canada, 82% of Canadians are online. But from our behaviour data, we don't know if petition signing is online. So I wouldn't say that there is an exact correlation.

**Ms. Jane Hilderman:** Well, there's a correlation; there's not causation.

**Ms. Laura Anthony:** Causation, yes.

**Ms. Jane Hilderman:** But it's a strong hypothesis that could potentially be tested further. In my mind, it seems to be a common thing.

Another hypothesis of why there might be more petition signing is that we're a pretty geographically dispersed country, and petitions are something that you can kind of connect with, across, whether it's within a community or across communities—

**Ms. Eleanor McMahon:** In Algoma-Manitoulin, for example—just saying.

**Ms. Jane Hilderman:** In Algoma-Manitoulin.

**Ms. Eleanor McMahon:** Or in the member opposite's riding.

**Mr. Randy Hillier:** I would have thought it was probably because people are so happy with government policy, they're petitioning to keep doing what they're doing.

**Ms. Eleanor McMahon:** That's entirely possible.

*Interjections.*

**Ms. Eleanor McMahon:** One more, Mr. Chair, if I may; I'll be quick. You were talking about—it's just a point of clarification for me. I guess this is a federal thing. They have committees that look after petitions. What do they do? How does that work? Do you know?

**Ms. Laura Anthony:** The federal system just implemented e-petitions, but they don't have petition committees. In Canada, there are petition committees in Quebec.

**Ms. Eleanor McMahon:** In the UK or in Quebec. Can you tell us how they work?

**Ms. Laura Anthony:** I don't know the exact work of the committee. I know that the petition committees, say, if a petition is of particular salience, can push it to another standing committee that's already in existence. Then they can decide to review.

**Ms. Eleanor McMahon:** So if it's a social policy issue, they can ask that it be forwarded to the committee on social policy for their consideration—as an issue; not the petition itself or the issue it espouses.

**Ms. Laura Anthony:** It's up to the petitions committee to decide.

**Ms. Eleanor McMahon:** Okay, because one is looking at the process of committee and the other is the actual issue. That was the clarification I'm looking for. You're not sure about that—or both?

**Mr. Randy Hillier:** It's in the Clerk's report that we've got, each one.

**Ms. Eleanor McMahon:** Oh, it's in the Clerk's report. Clearly, I should have read it.

Thank you. It's helpful to know that. I wasn't sure. Thank you, colleague.

**The Chair (Mr. Toby Barrett):** Thank you, Eleanor. Anything further from the other two parties? Seeing none, again, thank you for coming before our committee. Thank you very much.

**Ms. Jane Hilderman:** Thank you. It was our pleasure.



## COMMITTEE BUSINESS

**The Chair (Mr. Toby Barrett):** Committee, there is one other order of business. I'll ask the Clerk to give us a bit of a rundown on a piece of paper that was distributed to all of us.

**The Clerk of the Committee (Mr. Trevor Day):** Okay. So last week, the committee agreed to accept the invitation to NCSL. We've put together a budget based on airfares, rooms and the registration fee. We've used the early bird registration fee; it was originally in US dollars, but we have converted it.

The budget you have before you is the budget for the full committee and two staff members to attend, and would require a vote of this committee to move it forward to the Board of Internal Economy. We're not asking for extra money. It's already within the committee's budget, but, as per our practice, the board has to approve extracurricular expenditure.

**The Chair (Mr. Toby Barrett):** There is additional information on the back, as well.

**Mr. Bas Balkissoon:** What's the early bird deadline for registration?

**The Clerk of the Committee (Mr. Trevor Day):** It was May 15.

**Mr. Bas Balkissoon:** May 15. We also asked the House leader—you were going to write the House leaders.

**The Clerk of the Committee (Mr. Trevor Day):** It's already been done.

**Mr. Bas Balkissoon:** Did they have a chance to deal with it?

**The Clerk of the Committee (Mr. Trevor Day):** Nothing has happened in the House as of yet, but it has been delivered. They do have our request.

**Mr. Bas Balkissoon:** Can we at least give them until next week, so we hear from them, and then we do everything together?

**The Clerk of the Committee (Mr. Trevor Day):** That is fine. We can hear from them, but this is going to have to go—

**Mr. Bas Balkissoon:** I would move that motion, then.

**The Clerk of the Committee (Mr. Trevor Day):** This is going to have to go before the board before we can—

**Mr. Bas Balkissoon:** Yes. I realize that, but I think if it goes before the board with the House leaders' support, we would have more strength. Okay?

**The Clerk of the Committee (Mr. Trevor Day):** The other thing is: As of this moment, we have no one scheduled for next week. We are waiting to hear back from some, but there is a chance that we will not be meeting next week if we cannot fill those. We have been moving down the list, but as of right now, there is nobody scheduled.

**Mr. Bas Balkissoon:** I haven't read all the material I got from research, I'll admit. Did we have much on the Quebec model that they spoke about?

**Ms. Joanne McNair:** There is some in the first report you got.

**Mr. Bas Balkissoon:** The very first report? Okay. It speaks to the question that was asked? Okay. If not, I was going to say, can we get that updated?

**Ms. Joanne McNair:** Their website is very, very complete. If you want, you can just go to their website.

**Mr. Bas Balkissoon:** Okay. All right, thanks.

**Ms. Joanne McNair:** It's all in English, too.

**The Chair (Mr. Toby Barrett):** Anything further from the committee? Committee is adjourned.

*The committee adjourned at 1407.*







## CONTENTS

Wednesday 22 April 2015

Petitions .....	M-103
Samara .....	M-103
Ms. Jane Hilderman	
Ms. Laura Anthony	
Committee business .....	M-113

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research





M-13

M-13

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 6 May 2015

# Journal des débats (Hansard)

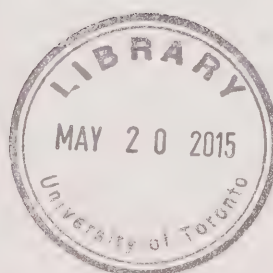
Mercredi 6 mai 2015

Standing Committee on  
the Legislative Assembly

Petitions

Comité permanent de  
l'Assemblée législative

Pétitions



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 6 May 2015

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 6 mai 2015

*The committee met at 1304 in committee room 1.*

## COMMITTEE BUSINESS

**The Chair (Mr. Toby Barrett):** Welcome, everyone, this afternoon to our regularly scheduled meeting of the Standing Committee on the Legislative Assembly, May 6. Before we commence with our agenda and deputations, I'd ask the Clerk—I know we have a motion.

**The Clerk of the Committee (Mr. Trevor Day):** A quick explanation: Before the members there's a package. At our last meeting the week before last, a budget was circulated to the members of the committee with the understanding that we would look at it at the following meeting. We didn't have a meeting following that. In the subsequent time, the Board of Internal Economy was meeting this Monday, so the subcommittee was asked to approve the budget so that it could be submitted to the board for its approval. The subcommittee did that. The board has approved our budget; however, the budget hasn't been formally approved by the members of this committee, so we're asking if that can be done right off the top here as a housekeeping matter.

**Mr. Bas Balkissoon:** Okay.

*Interjection.*

**The Chair (Mr. Toby Barrett):** Yes. Mr. Balkissoon?

**Mr. Bas Balkissoon:** I move that the Standing Committee on the Legislative Assembly approve the budget for travel to the 2015 annual conference of the National Conference of State Legislatures in Seattle, Washington, in the amount of \$41,839.50—jeez, Trevor, you're right on the penny, eh?—as recommended by the subcommittee on committee business, and as approved by the Board of Internal Economy on May 4, 2015.

**The Chair (Mr. Toby Barrett):** Thank you. Any discussion? Yes, Mr. Hillier.

**Mr. Randy Hillier:** Just one quick question, because when this was brought forward at the last committee it was moved off to the subcommittee. I just wanted to understand: Is it also including staff members to go, too, or is that Legislative Assembly—

**The Clerk of the Committee (Mr. Trevor Day):** The staff members mentioned would be the Clerk and the research officer.

**Mr. Randy Hillier:** Okay. Thank you.

**The Chair (Mr. Toby Barrett):** Any further discussion? Does this motion meet with approval? Is this motion carried? Carried.

## PETITIONS

## MR. NELSON WISEMAN

**The Chair (Mr. Toby Barrett):** Our next order of business: We do wish to welcome Dr. Nelson Wiseman to the witness table. You have up to 20 minutes, sir, if you wish to address the committee.

**Mr. Nelson Wiseman:** Thank you Mr. Chair. There's no need to call me "Doctor"; nobody takes my prescriptions, in any event.

I want to thank you for inviting me. It's an honour to contribute to public affairs. In any event, don't hesitate to contact me in the future on issues related to public affairs and public policy.

I'm grateful to Jonathan Brickwood, the procedural services assistant for committees, for forwarding some background material on the subject of electronic petitions. When I was first asked to appear as a witness, my reflex reaction was to come down on the proposal. After reading the materials I was sent by Jonathan, I changed my mind. But after doing a bit of my own online research, I've changed my mind again.

I have some cautionary observations to share. E-petitions, I should say, are not cost-free, but the main point I want to make—

*Interjection.*

**Mr. Nelson Wiseman:** I'm sorry?

**The Clerk of the Committee (Mr. Trevor Day):** No, please continue.

**Mr. Nelson Wiseman:** —is that there are going to be a lot of unintended consequences. My advice is, beware.

My first thought, before I saw any of the background material I was sent or read, was what Rick Mercer did when Stockwell Day led the Canadian Alliance party. They had proposed the use of the initiative and referendum. The initiative is a petition which leads to a referendum that, if passed, has the force of legislation. It is used in many American states. Mercer took up Stockwell Day's idea and put a question to his TV audience: "Should Stockwell Day change his first name to Doris?" I don't need to tell you what the overwhelming result was.

This is an example of a joke framed in a form similar to a petition. You should expect this may occur with elec-

tronic petitions. You should expect e-petitions that attempt to embarrass, shame and seek to undo legislation and elected politicians.

When an e-petition process was established in the United States in 2011, it was not anticipated that citizens in every one of the 50 states would launch petitions seeking secession of their state from the union. Nor did anyone in Barack Obama's government expect an e-petition that would question Obama's eligibility for office and seek records of his birth, college and university records.

In 2011, more than 12,000 people signed an e-petition asking the Obama administration to acknowledge an extraterrestrial presence here on Earth and if the US government had contact with aliens. The White House was compelled to respond, and you can read its response on the White House website.

In the United Kingdom, issues that arose with e-petitions included ownership and responsibility, heightened public expectations and the weak relationship between the petitioner and the MP. In the UK's first three years of the e-petition system, over 53,000 petitions were received, of which over 28,000 were deemed admissible. Of these, 145 received a response from the relevant government department, and parliamentary debates were held on 25 petitions.

1310

Some highly embarrassing e-petition campaigns occurred during the years in which the Labour Party, which introduced the e-petition system, was in power. One petition, backed by nearly 100,000, demanded that the Prime Minister step down. Another e-petition attracted 1.8 million e-petitioners opposed to toll roads. Yet another petition, with over a quarter-million e-petitioners, required that anyone convicted of a criminal act during London's riots be deemed ineligible for any government benefits, such as unemployment insurance and social services. Another British petition with over 100,000 signatures required curbing immigration so that Britain's population not exceed 70 million.

Although Parliament's procedure and House affairs committee in Ottawa last year heard from a number of British officials about their e-petition system, none of them mentioned any of the petitions I've just referred to. If e-petitions are adopted in Ontario, I think you can anticipate similar experiences to those of the UK and the United States.

According to Britain's Daily Mail, some senior MPs felt they had created a monster with their e-petition scheme. It had spiralled out of control. Because the British system requires that any e-petition garnering 100,000 e-petitioners leads to a debate in the House, some MPs warned that the government's plans would allow the Commons to be hijacked by campaigners. It would mean MPs spending Parliament's time debating proposals that have little or no chance of becoming law.

In theory, a petition is used to draw attention to an issue of public interest or concern and to request that an action be taken. It's a direct means for people to communicate with Parliament. E-petitions are certainly

growing in popularity and in their ability to achieve political impact, but how will a government respond when, let us say, 30,000 northern Ontarians petition to have Queen's Park relocated to Sault Ste. Marie, or 5,000 residents of the Kenora region petition to be annexed by Manitoba, of which Kenora was once a part?

Having said all of this, I wish to make some general points about petitions and their role in the parliamentary system. You might know what I'm talking about here, from your background.

The right to petition the monarch dates back to 13th-century Britain. Early bills were little more than petitions to which the monarch had agreed. Petitions in their current form date from the 17th century and the growth of a more democratic order, as elected parliamentarians steadily gained power and the king lost it.

Currently, petitions, in my opinion, are largely ornamental features of the parliamentary system. In large part this is because MPPs act, first and foremost, as party members. MPPs, you spend much time on constituency work and meeting with constituents, but representing the views of your constituents is very much a secondary role to what you do here, which is, you were elected as a party member on a party platform, and you're expected to vote that way. Nor do MPPs act as trustees who exercise their independent judgment on proposed pieces of legislation.

This isn't to say that all petitions have no effect. Recently, a petition calling on Parliament to commit to a long-term funding strategy for the remaining thalidomide survivors led to a positive vote in the House of Commons. It did so, however, because of a motion of an MP. The issue became a cause célèbre in the media. I don't believe that any media outlet reported that Parliament's action was the result of a petition. I'm not sure when that petition was launched; I think it was maybe 20 years ago.

I was aware of the existence of parliamentary petitions from having attended and seen broadcasts of legislative sessions, but I do not recall ever seeing reports or hearing of petitions to Canadian Legislatures in the media in all my years of following politics. Because of this, I have no knowledge of the Ontario government's response to specific petitions, something it's required to do within 24 days.

I've been informed that neither the wording of petitions nor the responses to them are posted on the government's website. If I'm wrong, correct me. This doesn't speak well for transparency by a government which says it wants more public engagement.

E-petitioning is innovative. It's an innovative method of public involvement, but it may be an innovation, I'm suggesting, that we can do without. Many NGOs now use e-petitions, but others shun them because they have found little evidence that they have had much impact. The impact of e-petitions tends to be on the behaviour of corporations rather than governments. Corporations, such as airlines, worry about alienating customers. Governments have a captive market.



Parliament began the study of e-petitions after the 2004 election. However, it has yet to implement an e-petition regime, despite its direction to its procedure and House affairs committee to recommend changes to the standing orders. The committee has now made a recommendation—describing e-petitions as feasible and desirable—that they ought to be put in place, but nothing has yet come of the recommendation.

One challenge to e-petitions is validating online identities and preventing frivolous, offensive, defamatory or libellous petitions from proceeding. It's important that the same guidelines, standards and rules that apply to paper petitions are maintained before an e-petition is certified, so that impertinent, improper, silly petitions or those in bad taste are excluded. How many civil servants and how much time do you want to tie up in vetting e-petitions?

A petition should state a grievance to be remedied. It should specify the action the petitioners wish to see taken. Measures are needed to ensure that the names aren't being added to an e-petition on an automated basis. In the UK, IP addresses are monitored by technical staff for unusual signing patterns. I can say that no abuses of the e-petition system there have yet been found.

It's also critical that the integrity of the e-petition process be monitored and verified, so that it's not compromised with inauthentic identities. Measures must also be put in place to avoid duplicate or very similar e-petitions and to ensure that they don't contain false information and allegations.

You may wish to exclude consideration of any petition with less than a fixed number of e-petitioners—let's say, 500 or 1,000. You may also give the government an option, as is the case in Queensland, Australia, and in Manitoba, of whether or not it has to respond to a petition.

I notice that none of the e-petition models presented by the table research office require an actual signature, not even an electronic signature. What are required of an e-petitioner are an email address and a postal code that can be verified. My sense is that most people are much more free and easy with offering their email addresses than with signing their names to a piece of paper. Ironically, the only person who will be required to sign his name will be the MPP who introduces the petition in the Legislature. An e-petition regime that does not require an actual signature could require a phone number, a driver's licence or a passport number. That may help weed out some less-than-serious petitioners.

Security is another challenge to e-petitions. We don't want the identification of e-petitioners tapped by commercial interests or by political parties, who may use the information for their own purposes. We saw how information from a Conservative database was used to mislead voters or wake them up in the middle of the night here in Toronto, in the robocall scandal that marred the last election.

If the Legislature does decide to introduce e-petitions, it ought to provide for a review of the experience in two

or three years to judge its efficacy and its utility, and to review the provisions and application.

There is also the matter of cost. The estimate to establish a federal e-petition system is an initial investment of \$100,000 to \$200,000. It has been approximated that an additional 20% should be added for ongoing technical costs. Now, this is exclusive of any costs associated with potentially having to hire new staff. The UK spent £80,000 to create its e-petition system, and the operating costs there are approximately £40,000 annually. This does not include staff costs, technical staff costs or costs to individual government departments.

1320

The Quebec Legislature developed its own software for e-petitions. There, staff spent six months completing it.

The technology used for the Northwest Territories e-petition website was purchased from a UK firm for \$8,000. The website is hosted and maintained by a firm in the UK for just over \$800 a year. But the Northwest Territories has relatively few people. We have about twice as many students at the University of Toronto as there are residents of the Northwest Territories.

In the UK, 100,000 signatures on a petition triggers a debate in Parliament. Roughly 3.5 million people per year sign e-petitions in the UK. About 15,000 e-petitions are submitted each year, with approximately 30% of approved petitions having no more than two e-petitioners. About half the e-petitioners use social media apps to petition, not the homepage of the petition.

In Quebec, about 200 petitions are tabled yearly in the assembly, with e-petitions currently accounting for about 35% of them.

If the Legislature adopts e-petitions but is concerned that the number of e-petitions becomes too numerous, you could assign one of your committees the task of handling the petitions. The committee could be charged with deciding what the appropriate response or action regarding any petition ought to be. The committee, for example, could place a time limit on how long an e-petition is open and which one goes forward.

Certification of an e-petition could be done by such a committee, the Clerk of the House or a designated Clerk of petitions. Currently, a petition must be introduced to the House by an MPP and petitioners must find an MPP who's willing to do so.

There is a belief that e-petitions will increase public interest and engagement in public policy matters. Some believe e-petitions will contribute to shaping parliamentary debates and the priorities of political parties. If this occurs, it will detract from the traditional policy development role of political parties.

I suspect e-petitions will heighten attention to passing concerns and issues and detract from longer-term planning and policy development. On balance, I do not see much advantage to introducing e-petitions. Their introduction will be a form of pandering, I believe, and it will certainly allow politicians to boast how open to more public engagement and input they are, but I don't think



they're going to contribute to the quality of public policy, and I think that should be the primary concern of elected legislators.

Thank you for your attention. Again, I'm grateful to—I'm sure the table research clerk and others who may have read some of these reports can see that I've taken some information out of them because I was totally unfamiliar with the subject. I can also relate to you that I'm technologically retarded. I don't even have a cellphone, so that my first reflex is not to go electronically.

**The Chair (Mr. Toby Barrett):** Thank you for the work that you've done and thank you for that presentation.

I would ask the committee if they have any questions. We'll start with the opposition. Mr. Hillier.

**Mr. Randy Hillier:** Thank you for being here. I was a little bit surprised that you're unfamiliar with the subject. I thought you would have had a wealth of knowledge—and first-hand knowledge—other than what the research table has done. But I do want to make a few comments and then get into a few questions.

As we know, one of the things you mentioned was that e-petitions can be used to shame politicians and also reverse public policy. Paper petitions do that as well. I've seen many paper petitions that have called for a minister's resignation and, by and large, most of the petitions that I have seen are either a reversal of an existing public policy or a request to create a public policy. That really is an essential purpose of a petition: to ventilate a grievance. Heaven knows the public at large don't have very many avenues to ventilate their grievances or their expectations to the government.

You referenced the UK and the White House, the American experience. Those experiences were the result of an electronic petition process that was initiated and hosted by the executive level, where we're looking at potentially—I think all the discussion so far has been that the petition process be hosted at the legislative branch and not the executive branch and that we would have learned from those experiences. The executive branch hosting the e-petition site is not really sensible or practical, and it leads itself to even further inappropriate or less invaluable actions.

You talked a lot about what, in essence, were much stronger safeguards being a necessity, in your view, over the safeguards that we have on paper petitions, as far as the veracity of the information, the integrity or the accuracy of the names. I'm not sure why we would need to have greater safeguards on the electronic petitions as compared to the paper petitions.

But where I do want to really get into the question is, have you evaluated the petition outcome process in various jurisdictions? You made a reference that in the UK, a petition with 100,000 people requires and initiates a debate. Have you looked at other jurisdictions? You mentioned that you are familiar with the outcome of a petition here at the Legislative Assembly. It requires a written response from the government; it doesn't require any further action. If a petition is put and tabled in this

House, all that is required is, essentially, a recognition that the petition was tabled, and that the government has provided a response.

That's one of the questions that has been vexing this committee: Should we look at altering the outcome of a petition that is tabled? Should we be looking at a committee process? Should we be looking at initiating a debate or whatever else?

My question to you is, have you evaluated or studied these other outcome orientations of petitions in various jurisdictions? And, if so, what's your thought on the best or effective outcome of a paper or electronic petition tabled to an assembly?

**Mr. Nelson Wiseman:** Thank you. You raised a number of points, and I hope I don't distort them or misrepresent them. The four that I got were that—you said that citizens don't have many opportunities to ventilate, and this would increase. I think they have every opportunity now, because they can still sign petitions. It's not as if e-petitions make it less possible for them to sign; it's just an easier way to ventilate.

This relates to another thing you're saying. I believe that an actual signature—people take that more seriously. That counts. Whether it's an e-petition or a regular petition, as you pointed out, under the rules right now, the government has to respond anyway. I think an e-petition process will be misused and abused, the way it has been in Britain and the United States, incidentally against the governments that introduced those petitions.

A second point: You made a distinction between the executive and legislative levels. That's a very important distinction, and I think that in the United States it's a very valid distinction in a different way. In Canada, I don't believe that. I believe that, as members of parties here, unlike members of parties there, you essentially act as a caucus. In the United States—although it's lessening there now, too—I see all kinds of votes across party lines. I don't notice them here. Occasionally, one or two people are offside. It just doesn't happen.

1330

The reality in our system is that the executive is going to be driving the process, as the party leadership, whether the petition goes to the Legislature or whether it goes to the executive. I don't think it's going to make much difference. I think there's going to be a party line on the petition. There might very well already be party lines on what you want to do with e-petitions and we're just going through the process, which is okay. I'm enjoying myself; I'm sorry you have to come to the meeting, but I learn things about it.

Also, I'm sharing my biases, because I rely more on the written word. Yes, I have a computer, but I use it for word processing primarily, and I surf for things that I want to learn about. The research I dug up about what happened in Britain and in the United States didn't come from the reports you brought, because you were just essentially looking at how to implement it. What are the mechanics, verification? I want to know: What are the



consequences that will have? None of that was in the reports that I got as background.

**Mr. Randy Hillier:** Well, that's what I'm getting at: What have you found in that evaluation of the outcomes?

**Mr. Nelson Wiseman:** My evaluation is that it hasn't contributed to public policy, that the focus becomes on passing concerns and wild things, like demanding Obama's birth certificate, not accepting the fact that he was born in the United States.

Also, I'll give you another example I didn't cite that I ran into yesterday in Britain. It can be an indirect vehicle for a lot of values I don't think should be expressed. Two years ago in the UK, a petition came in, and it attracted 5,000 signatures a day, that the government should immediately stop immigration from Romania and Bulgaria. Well, you know—

**Mr. Randy Hillier:** Are you suggesting that we should be a—

**Mr. Nelson Wiseman:** I'm suggesting that that decision should be made by people who are elected; I don't think you should be turning over public policy decisions to the whim of the impulse of public opinion at any one moment.

**Mr. Randy Hillier:** I don't think anybody's suggesting that we turn over the authority. It's a mechanism to hear the grievance, or hear the expectation.

**Mr. Nelson Wiseman:** Well, some of these grievances I don't think you should be spending your time on; I just don't. Now, there are ways of ferreting that out. What I learned about the British system is, they get 53,000, but only 28,000 are certified, and then only 145 required responses from departments, and only—I don't know—25 or something led to debates in Parliament.

Look, I think we're going to end up getting e-petitions, because the culture is moving that way. Younger people don't sign. They don't subscribe to newspapers. We're of mixed generations here.

**Mr. Randy Hillier:** It's changing.

**Mr. Nelson Wiseman:** But my primary concern as a citizen—I'm not speaking as a political scientist—is the quality, the efficacy of public policy. My own orientation, and I respect that different people have different orientations, is that when we elect people—I like the trustee idea, where I would like to leave it to the person to use their judgment.

On the other hand, the reality is, we are now in a system, and you've reinforced it through legislation in Ontario, which puts the party's name on the ballot, that many of you are not getting elected because of your skills. You'd like to think that. But many people now go to vote, and even before the names of the parties were on the ballot, they've decided they're going to vote NDP or Conservative or Liberal—whatever. They don't recognize the name, but they know who's running for that party, and they put their name on it.

**Mr. Randy Hillier:** You mentioned as well that you never saw that the petition process was beneficial to the public policy development, that you've seen motions

being adopted that were introduced by an individual. That's somewhat different than my experience.

There's one in front of the House right at the moment, the petition on Lyme disease. It's been instrumental in shaping and developing and having a bill introduced in the House, and many of the Lyme petitions were electronic petitions; there were also paper ones. But they are indeed helping to shape and define public policy.

We also saw that with the G20 protests, a significant number of petitioners who were upset with the G20 regulation and how it was put forward, so—

**The Chair (Mr. Toby Barrett):** We just have a minute, Randy.

**Mr. Randy Hillier:** Maybe you could take a moment. I see the petitions—although not being the one that gets royal assent—as being instrumental in helping to guide and helping the debate on public policy.

**Mr. Nelson Wiseman:** I respect that, and I think that you gave two very good examples on Lyme and on—and what happens, I think, in these cases is that if the government in power thinks that it is an issue that should be addressed, it adopts it as its own. But that happens right now. I mean, the petitions you're referring to didn't happen because they were electronic, did they?

**Mr. Randy Hillier:** No, it was just that many have been both. Of course, the electronic ones are more convenient for a great number of people in today's society.

**Mr. Nelson Wiseman:** They're also more convenient for jokesters. That's what my concern is, that if—

**The Chair (Mr. Toby Barrett):** Sorry; I'll have to jump in now. We go to the third party, if there are any questions or comments.

**Mr. Michael Mantha:** You're right in regard to the jokesters; I'll let you finish that. But just on paper petitions, some that I've had—I've had Johnny Cash and Elvis Presley sign them quite a bit. It just happens.

**Ms. Soo Wong:** At least you didn't get Joe Blow.

**Mr. Michael Mantha:** You know what? It happens. In both formats you're going to get that abuse.

We had a group that was here—I believe it was a couple of weeks ago—Samara. One of the issues that I brought up with them was: If you grab that pen and put it to the paper, there seems to be a greater commitment: I'm engaging myself, I'm putting my thoughts behind this because I've taken the time to read it and I'm looking at it.

Whereas what I was thinking was putting it up on the Internet: "Oh, a petition." "On what?" "I don't know. ATVs." Click, sign, boom, it's done. Have you really looked at what the petition was? I don't know; some people might, but in a way, today's younger generation—my boys don't want to see paper. They don't deal with paper. They're just: "Give it to me electronically."

As you and I would probably take the time to read that petition or read that article in order to form an opinion, others do the same thing. They do their own research on the Internet. So I think it goes either way in regard to your level of commitment, what you understand as your engagement towards a petition.



Anyway, I wanted to give you the opportunity to finish off what you were saying earlier.

**Mr. Nelson Wiseman:** No, I want to follow up on your point. Thank you.

You referred to your children and how they just do everything electronically. Did they get their credit cards electronically? I think they signed their names. Is a bank going to give you money on the basis of you clicking a button?

One middle road here between not allowing e-petitions and sticking to the current system is: Introduce e-petitions and why not require electronic signatures? Because e-petition regimes I've seen don't even require that. I think people will take an electronic signature more seriously. I don't even know how to set one up, but I know my staff, the admin person, because when I'm out of town—and I'm sure you have electronic signatures. But I would take that more seriously than—I agree with you—clicking a button.

I have clicked buttons for petitions and then two, three days later, when I learned more about it, I thought about it. I know, had that paper been put to me, I would have taken more time before I signed.

1340

So I want to suggest again that even people who we claim are only doing things on computers—well, I want to know how they got their cellphone. Did they never sign anything? I doubt it.

**Mr. Michael Mantha:** You talked a little earlier in regard to the quality of the actual petition and what might come. You started with a comment about—"beware" is what you talked about. I don't think you went far enough. I want to really understand what you mean by that. You made a really firm statement in regard to, "If you're going down this path, beware."

**Mr. Nelson Wiseman:** Yes, because I think what will happen, from what I can make out that happened in Britain and the UK, is that the media are going to love e-petitions, because the wilder the petition is—and of course, it's unlikely that you're going to get any action on it—they're going to run with that. It's great news. You know, 50,000 people signed this petition demanding that the Premier step down, let's say—whatever it is. They'll love that: "Hey, why isn't something happening?"

I come back to Mr. Hillier and the impact of petitions. Okay, if they have such an impact, how come, in all my years of following politics—the only reason I know petitions even exist is because I've seen broadcasts or sat in a House. It has been pro forma. When you start, you hear about petitions, but I've never seen a media report on them.

But now that we have e-petitions, I'm seeing widely just a few. I didn't spend that much time researching this; I'm sure there are a lot more. That's what concerns me. It takes away from the dignity of the House, and it doesn't contribute to the quality of public policy. I'm coming back to that. Lyme disease is an important issue. But

because we don't have e-petitions, we would never have heard about it?

I think you can use your website to let people know, "Hey, you can submit a petition." Is it that onerous for them to sign a piece of paper? Obviously, it's important to them. I think they'll do it. But, hey, let's have an e-petition—I don't know—to shut down all the roads around Queen's Park or to barricade the place—"Yeah, I'm going to click on that"—or to change Stockwell Day's name to Doris. You knew what the result was going to be. I thought it was quite funny.

**Mr. Michael Mantha:** That leads in—

*Interjection.*

**Mr. Michael Mantha:** It's my turn. Wait your turn.

That's actually a good lead-in to the next question, which is filters.

**Mr. Nelson Wiseman:** Which is what?

**Mr. Michael Mantha:** Filters.

**Mr. Nelson Wiseman:** Filters, yes.

**Mr. Michael Mantha:** Yes, filters, first as introduction to petitions but also the outcome. Presently, the outcome—anybody can put in a petition right now, and the only outcome is to get a response.

**Mr. Nelson Wiseman:** Right.

**Mr. Michael Mantha:** If that was to continue through e-petitions—where somebody wants to raise an issue, a petition goes out, a response comes in; and there's no change to the outcome, other than getting a response to your petition—the filter will more than likely be the MPPs who would present this petition and say, "Wait a second. 'Randy' is not going to be changed to 'Carol'"—his name is not going to be changed—"or Michael is not going to be prevented from"—that's the filter.

The outcome: If the outcome doesn't change, and people still participate with either e-petitions or signed petitions—the thing that I really enjoyed, what you touched on earlier, is to increase engagement, increase awareness, increase participation and actually increase interest. If that continues to be the protests, both written and e-petitions can be very beneficial. They still need to be introduced—you're right—but that filter, I would think, is amongst the MPPs who are here.

It's an ethical question. You're not going to be presenting something that really has no relevance whatsoever on policy or on the issues that are here. I think that would be something to consider.

If there is no demanded outcome other than a response or acknowledgement of it, either written or e-petitions can work.

**Mr. Nelson Wiseman:** Okay. I'm not sure I caught it all, but let me try—I was speaking to Mr. Ballard before the formal session. He has gotten some petitions which he doesn't agree with or doesn't care for, but they come from one of his constituents, so he feels obliged, representing him, to present it. You could dissociate those. The filters you speak of, Mr. Mantha, we could—what I picked up from the research is that you could have a committee that filters them. Don't leave it up to the MPP. You could have a Clerk of petitions, because obviously



in Britain, most of them—maybe about half—are discounted right away. That would, I think, handle the jokester part, possibly. But then you can get arguments over that.

In fact, even if you turn it down the media will still pick up on it because it's a great headline. You know, "Hey, government turned down a petition about this and that." That's the danger. I'm a contrarian on public engagement, incidentally, but that's another subject. I'm a supporter of Samara, although I don't agree with a lot of the—but, well, that's irrelevant.

The major forum of public engagement that I care about, and I think people here do as well—and, in fact, a few MPPs have spoken to me about it before this session—is the election. A party gets a mandate and individual MPPs get a mandate. We talked about the Alberta election. So you can have filters.

Look, I think that, inevitably, we're going to get e-petitions. I'm just saying that I think people will try to abuse it. So your point is good; we will try to limit that, but that takes time and resources. You want to hire people to go through 5,000 petitions this year? Okay, we can do it. We're going to throw out 4,000 of them, and then we'll figure that maybe 500 should get a response.

Incidentally, you can just change your rule. Why don't you adopt Manitoba's rule? I sat in the Manitoba Legislature as an observer—I'm from Winnipeg. I noticed the petitions were read, and I never, ever heard a response. Then I learned yesterday that, yes, no response is required under the Manitoba standing orders. So if it's an important issue like Lyme or whatever and a media person hears about it, it will get the story, whether there's a response from the government or not, because they'll say, "Hey, this was introduced, a lot of people signed it and the government hasn't done anything."

So if you're worried about having to respond, you could eliminate that component. In Queensland, Australia, there is no requirement for response from anybody, but the public gets to have their petition read in the House, if it's certified.

I don't know if I've been helpful or not.

**Mr. Michael Mantha:** I just want to go back to the filter question. If there is no outcome change, the filter or the committee is going to be required—if there's a questionable petition that is found which is motivated by partisanship, we'll say, and if we're changing the outcome, then you need to make sure that the filter is addressed properly so that an appropriate outcome can come out of it.

But if you're not changing that, if you're just looking at bringing in the issues for greater engagement, where the appropriate filters are there from the beginning, from the MPP or from whoever the organization is that approaches an MPP about an issue that is dear to them, and the outcome is to have it heard in order to get a response—the same process that we have right now—the committee structure really wouldn't be required.

If the engagement process is to create greater engagement, however we obtain that, whether we think it's

positive or not—with all the disengagement that has been happening within our political system right now, that's something that we should go out and reach, and utilize those tools.

**The Chair (Mr. Toby Barrett):** Thank you, Michael. That pretty well wraps up the time. We now wish to go to the government members of this committee.

1350

**Mr. Chris Ballard:** Thank you very much for your presentation. It was refreshing. It was a bit of cold water on an idea, but I appreciate that sober second thought that you've delivered. It's giving me an opportunity to sort of step back.

My interest in e-petitions is that they are potentially one tool in the toolbox, to use that phrase, of Internet technology, or ITC, Internet technology communications, things like online polls, surveys, video streaming, video conferencing—all of those kinds of things.

What I'm looking at, and what I'm hearing, are some answers to the question: How do we more fully engage citizens just outside of that electoral period? How do we raise the view? How do we lower the pessimism? How do we raise the opinion that too many citizens have of our democratic process in general—not politicians, but the democratic process in general?

I'm worried. When I look at younger people, I remember when I was in school, and there was a lot of pessimism as well, but we seemed to be more engaged than kids today. Maybe that's true, and maybe that's not.

I was going to ask you a different question, but let me reverse it: From your reading, from your research, from your experience—and I know you get to work day in and day out with a lot of young people who are engaged—what would your advice be to us to increase that participation?

**Mr. Nelson Wiseman:** Okay. Because both you and Mr. Mantha have raised this issue of participation—in a way, it frames this whole conversation. I'm a contrarian by nature. I was in student politics in the 1960s, and now I teach students who are my age. My observation is this: Human nature hasn't changed significantly since the 1960s or since the 15th century or the 15th century BC. Some of us, the people in this room, have a political gene. Some acquired it over time. Many people don't have an interest in politics. So 40 years ago, or 50 years ago, when there was one TV channel and a party was selecting a party leader, that was the only thing you could watch on TV. Today, "Oh, a party's selecting a leader. Well, I want to watch the Food Channel or golf or 50 other things." It hasn't changed. There was more of a captive crowd then. What has changed is that people don't feel the same obligation to go out and vote.

One of the ironies, I find, I think, oddly, is a product of my profession. The more educated people are, the more of a critical and analytical disposition they have. I mean, the House of Commons just started to be broadcast in 1977. Boy, has it changed since then.

Before the House was broadcast, in fact, when I was a first-year student, I subscribed to Hansard. I'd get it in



my mail every day. I couldn't read it all, but I had this impression that yes, the talk was serious. I couldn't follow it all. It took all this time to read. I couldn't read it all. But these were serious people debating, and you could read about it in the paper.

Once TV got introduced, it demystified a lot of it. A lot of people look at it and say, "Hey, that guy isn't answering the question," or, "She sounds like an idiot; I could have done that," or something like that. That lowers the estimation for what goes on in politics. A lot of it is, "Hey, the emperor actually has no clothes." Before, you couldn't see that. Now you can see what's going on.

Is there increased cynicism? I think people were no less cynical then, but there was a greater sense that you should go out and vote.

A couple of you brought up Alberta, so I want to relate this to engagement. There were two elections in Canada this week. One was in Alberta and one was in PEI. Do you know what the turnout was in those jurisdictions?

In Alberta, which historically has the lowest voter turnout in Canada—it was 40% in 2004 and 45% in 2008. It was 54% in 2012. It went up to 58%. Well, hey, that's higher than your percentage.

In Prince Edward Island, the turnout was 86%. Why is that? Well, there are different kinds of reasons. In Prince Edward Island, people know who their neighbours are. You live here in a condominium for 10 years; you have no idea who's down the hall. People get up in the morning and say, "Are you going to vote? Can I give you a ride?" It's part of the culture. It's also a more traditional, more conservative society.

In Alberta, "Hey, I just got here six months ago. Yes, I'm eligible to vote. I have no idea," and so on. There are all kinds of different factors.

I'm not as down on so-called lack of citizen engagement as Samara is. I respect people who are busy. They've got kids they've got to feed; they've got to get to their job. Incidentally, when the current Liberal government ran for office in 2003, do you know what one of the promises was? That if you elect the Liberals, we'll increase voter turnout by 10%. I thought to myself, how are you going to deliver? Guess what? Voter turnout has gone down in every election. I haven't seen any mention of that in the media, that that was a promise.

I thought it was a ridiculous promise. If you really want to increase voter turnout, introduce compulsory voting. We have it in countries like Australia. Or, if you don't want to fine people, give them a tax credit. Say, "Okay, if you vote, you'll get an acknowledgement and you'll get \$20 or \$50 off your income tax." After all, it's costing us—do you know how much it cost to register voters in the last federal election? It's \$12 a voter. For every person who voted, it comes out to \$17 a person. I thought, maybe if you give the person \$17, they'll vote. I don't know. I'm being a jokester in part here.

But I'm not as concerned about engagement. Many people care about classical music; they don't follow politics. I've had students—graduates—my computer assist-

ant five or six years ago came to me in the midst of a federal election, as did my assistant superintendent during the Ontario election most recently, and said, "Okay. You know about politics. Who should I vote for?" I said, "Look, I'm not going to tell you who to vote for." He said, "But I don't know anything about"—you know, "I'm not interested. I don't know what the issues are. I don't know what the leaders are. I don't know anything." My line was, "Well, look, you don't have to vote."

I don't see that there's any great advantage to us compelling people who are totally ignorant to go in and cast their ballot just so we can say "higher citizen engagement." I care about the quality of debate we're going to have. Just because more people click a button, is that going to give us a better outcome? Why do we have higher turnouts in some events and not others? Why is it lower in, let's say, Ontario elections? Maybe it's because a lot of people perceive it won't make that much difference. That could be another factor.

Do you want a high turnout? Do you know what the turnout was in Quebec's referendum of 1995? Ninety-four per cent. Are Quebecers cheering citizen engagement? No. They're saying, "We don't want another referendum." The emotional heat was too high because people who were in the same family were having fights they'd never had. People at work: All of a sudden there were these great divisions. "Hey, we don't want to get into that."

So maybe it's a good sign you got lower voter turnout.

**Mr. Chris Ballard:** Customer satisfaction.

That was my question.

**Ms. Soo Wong:** Do we have time, Mr. Chair?

**The Chair (Mr. Toby Barrett):** Yes, go ahead.

**Ms. Soo Wong:** Thank you very much, Dr. Wiseman, for being here. I sense from your presentation this afternoon to the committee that you're not in favour of e-petitions, but, more importantly I want to hear your opinion in terms of your research work on this particular topic. How do we deal with a diverse community like Toronto or a diverse province like Ontario, should this e-petition become reality? There seems to be a push for electronic technology to improve engagement. How do we get diverse communities to be engaged?

1400

**Mr. Nelson Wiseman:** You're referring to different cultural groups in the society?

**Ms. Soo Wong:** Yes.

**Mr. Nelson Wiseman:** All of these cultural groups have fraternal associations. Many of them have competing associations. There are a number that claim to represent this group or that group, and the people in those associations are not naive about politics. In fact, what strikes me is how in some constituencies you almost have to be of a certain ethnic background to have a nomination—the possibility in the parties. So they mobilize effectively.

There are great differences among different cultures. One of the things I learned is that voter—let's look at Asians. Voter turnout among Indo-Canadians is way



higher than it is among other ethnic groups and native-born Canadians. Voter turnout among Chinese Canadians is way lower. A lot of that has to do with the cultures they come from and the traditions.

Okay, so let's go to societies where many of the established societies come from. I was born in Europe too, incidentally, but I came here. Let's go to Western Europe. I notice that the voter turnout among Italian Canadians is way higher than it is among Portuguese Canadians. Why is that the case? In Italy, they used to have mandatory voting; they didn't have a choice. In Portugal, voting didn't matter. You had a fascist regime in power; Salazar was there for 40 or 50 years. Those have an impact. So when we talk about citizen engagement and diverse community, look, people aren't all cut from the same cultural background or orientation.

Another thing I learned from one of my colleagues who is teaching Indian politics in our department—let me throw out a few things, if you're interested. Last year we had the Fair Elections Act and there was all this attack against the act because, oh, this was going to disenfranchise all kinds of people like the poor and students and seniors and aboriginals and the elderly and

so on because of the greater identification requirements. Well, what happens in Canada is that we've adopted the discourse of the United States, and the experience may not be the same. I was stunned to find out a few months ago that, according to the OECD, the turnout difference between the better-off and the less well-off—I guess it's the median—was only 2% in Canada. In the US it's a lot higher, because you have to go out and actively register. But we often adopt the same language; we just assume, because we get all this American coverage, that the same thing is going on. It's not going on.

**The Chair (Mr. Toby Barrett):** We will have to wrap up. Compelling testimony.

**Mr. Nelson Wiseman:** Sorry. I've gone on too long.

**Ms. Soo Wong:** That's great. Thank you.

**Mr. Nelson Wiseman:** It's been very stimulating and I want to thank you for inviting me.

**The Chair (Mr. Toby Barrett):** Thank you very much on behalf of the committee. Thank you, sir.

I'll let the committee know there are just a couple of housekeeping items if people could stay after I bang the gavel.

*The committee continued in closed session at 1405.*

## CONTENTS

Wednesday 6 May 2015

Committee business .....	M-115
Petitions .....	M-115
Mr. Nelson Wiseman .....	M-115

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Toby Barrett (Haldimand–Norfolk PC)

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Randy Hillier (Lanark–Frontenac–Lennox and Addington PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



M-14



M-14

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 27 May 2015

# Journal des débats (Hansard)

Mercredi 27 mai 2015

Standing Committee on  
the Legislative Assembly

Petitions

Comité permanent de  
l'Assemblée législative

Pétitions



Chair: Toby Barrett  
Clerk: Trevor Day

Président : Toby Barrett  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 27 May 2015

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 27 mai 2015

*The committee met at 1301 in committee room 1.*

## PETITIONS

**The Vice-Chair (Mr. Garfield Dunlop):** Good afternoon, everyone. We'll begin the meeting of the Standing Committee on the Legislative Assembly. Today, we're doing petition procedures.

## DR. NICOLE GOODMAN

**The Vice-Chair (Mr. Garfield Dunlop):** We have with us Dr. Nicole Goodman, who has a 20-minute presentation—up to 20 minutes. Then we have up to 40 minutes for the three parties, split equally, to ask questions of Dr. Goodman.

With that, Dr. Goodman, I'd welcome you and ask you to begin your presentation.

**Dr. Nicole Goodman:** Great. Thank you very much for having me today. Thank you to Trevor and Jonathan for inviting me. My name is Nicole Goodman. I am currently an assistant professor at the University of Toronto, at the Munk School of Global Affairs, and I'm the research director for the Centre for e-Democracy.

I'll begin just by giving you a little bit of background about myself and my qualifications. My PhD is in political science. My dissertation focused on political participation, particularly voting among young people, and the majority of my research looks at political participation—specifically, more recently, Internet voting and the implications of Internet voting. So I think you'll see some ties today in my comments between e-petitions and Internet voting.

The structure of my comments today are going to be in three areas: participation, model considerations, and security. Obviously, I'm a social scientist, so my expertise is going to speak to the participation component of these comments. Model considerations are just some questions—I'm not sure; maybe they've been raised. I read a few of the Hansards. I didn't necessarily see them in that, but they may have been raised so far. If not, they'll be good for discussion. And I did consult with some security experts prior to coming, just to raise some security issues. They have offered, if you would like to hear from somebody, specifically a computer scientist, regarding authentication, that someone would be willing to come and speak to you about that.

I want to start by talking about some participation assumptions, things that people say. You can see this is a screen shot of a recent news article. The House of Commons recently passed to allow e-petitions in March of this year.

Some people say that e-petitions will increase citizen participation, others say that they will promote youth involvement, and then you have people saying that they will increase participation among the underrepresented. So these are some of the touted benefits of e-petitions, just like Internet voting and all sorts of types of e-democracy software and tools.

The reality: I'll start by saying that there is very limited research on e-petitions. That's because, with limited use in various jurisdictions, there's not a lot of data on it yet. I'm going to present to you a little bit of the data that I was able to find in the literature regarding e-petitions and then some of the data that has been collected on Internet voting. There's also limited data on that, but we're getting a little bit better.

I think there are a number of ties between e-petitions and Internet voting and there have actually been quite a few articles where people have suggested that e-petitions might be a gateway to Internet voting.

So e-petitions increasing the number of petitions and number of signatures: Will this happen? Well, we can't say for sure. In Germany and Queensland, for example, there wasn't much of a change—a very limited change. In the UK, there was a large increase, and that's why they had to introduce the 100,000 signature threshold. In Norway, there were no e-petitions that were even used at all.

What is going to happen in Ontario if we adopt e-petitions here? It's difficult to say. I would say it's safer to assume that there would not be a huge increase in the number of petitions and the number of signatures.

Next, who is the average user? If we introduce e-petitions, is this going to all of a sudden encourage the disengaged youth and underrepresented groups to participate? The reality is, based on the data that's out there from Germany, Scotland and Queensland, that the average user is a middle-aged male who has above-average formal education. So it's not necessarily bringing in those young people and bringing in underrepresented groups.

I'd like to speak for a couple of minutes about the impacts of Internet voting, because my hypothesis is that you would see similar impacts if we had more data on e-

petitions. I recently carried out an Internet voting project this past fall in conjunction with the Ontario municipal elections. There were 97 Ontario municipalities that used Internet voting. I approached them all and invited them to participate in the project; 47 elected to do so. We surveyed voters, candidates and electoral administration to learn about the impacts. This represents the largest attitudinal Internet voting study to date in the world.

What do the results tell us? When it comes to turnout, we know that there is a modest impact, if any. We did an analysis of the 2010 Ontario municipal elections, and it showed a 3.5% increase in turnout, so a very modest increase in turnout. Then we looked at elections over time in Ontario, but at the local level, not at the provincial level, because Internet voting hasn't been used provincially yet. We looked at elections from 2000 to 2010, and the results were statistically inconclusive. Now we're going to incorporate the 2014 data set and try and see what we can get from there. Long story short, modest impact, if any impact—we're not sure. What I'm trying to say is, don't expect this to be a panacea to fix participation.

What we do see in Internet voting is that a small number of non-voters are encouraged to participate. A non-voter is somebody who doesn't vote or also an infrequent voter—somebody who votes some of the time. A small number of these people are drawn into the process, and they're drawn in primarily for reasons of accessibility. They say that they weren't able to participate in the past because of illness, because of inclement weather, because of mobility issues, so I would suspect that you would see a similar trend with e-petitions, that for reasons of accessibility, you might see a small increase, but it's going to be a modest increase.

We find with Internet voting, also, that it attracts committed voters mainly, so people who are already voting all the time. In some of the literature I read on e-petitions in preparation for coming today, I started to get the same sense. I don't think they've quite fleshed out enough data yet, but it seems that the activists were able to sign 10 petitions at a time, but it wasn't necessarily drawing in the people who weren't participating. So that's something for you to consider.

Also, with respect to Internet voting, young people are not the likely users. This isn't because young people don't like the Internet. It's not because they wouldn't want to sign an e-petition. It's just because they don't participate as much politically as older cohorts do. They're just not as inclined for various reasons. The average Internet voter, if you're interested, in Ontario is over the age of 50, has a college education at least, is married and has an annual household income of \$80,000 to \$99,000, which is above the average income in Ontario, according to Statistics Canada.

The rationale for introducing e-petitions: What is the rationale that you folks are considering for introducing e-petitions? If it's to increase participation, I would say I wouldn't bet the bank on it. But some rationales that may be good are showing leadership in e-government, access-

ibility or convenience for citizens. We see in the Internet voting studies that have been done of Ontarians that accessibility and convenience are really the big draws. That is why they want to see these e-services; it's for accessibility and convenience—the rationale of citizen-centred service, which is just sort of a different way of saying that. Then for procedural transparency: I'm sure all of you know that governments are moving toward open government. By putting petitions online, people can track them. Sometimes they can see—depending on the model that you choose, if you get so many signatures, they know it will trigger a debate in the House, all those sorts of things. It offers a level of procedural transparency, accountability and openness.

1310

Overall, my hypothesis about e-petitions and participation is that there may be some impact, but expect it to be modest. It's not going to fix any participation issues with the Ontario electorate. Mostly, it's going to facilitate the engagement of those who are already engaged.

Some other considerations for you when you're considering adopting e-petitions: What kind of model are you going to use? One consideration is a private vendor versus an in-house model. You may have already established this, but there are private vendors that offer services. Right now, Internet voting in Ontario, when used at the municipal level, is carried out by vendors. I know some jurisdictions have used vendors to carry out e-petitions and some are developing models in-house. Which is right for Ontario and why?

Will the petition system be complementary? Will you keep the paper system, and the e-petition system will be complementary to the paper system, or will it be a replacement? If it's going to be a replacement, expect that this could be problematic for some citizens.

Legitimacy: Think about presenting these petitions in the House. If one of you is presenting a petition on behalf of your constituents in the Legislature, will other MPPs at the table treat an e-petition with the same legitimacy as a paper petition? That's something to consider.

Also, what is the perceived worth to your colleagues in terms of a government petition versus a non-government petition? For example, if MPP Dunlop presents a petition from his constituents and he has 1,000 signatures and it's an electronic petition, is that petition going to be worth as much as if MPP Scott comes in and presents a petition she's taken from change.org that one of her constituents went ahead and launched that has 10,000 signatures? It's not a governmental petition, it's a non-governmental petition, but those are some things to think about. What is the perceived worth of these petitions going to be?

Policy: I think this is really, really important. E-petitions are relatively new. They've been around for a little bit in Europe but they're relatively new, particularly to North America, the US and Canada. There is a lack of procedural maturity in terms of establishing regulations on thresholds and security, and knowing what works. I think really taking your time in figuring this out will be



important, not only because you're the provincial Legislature, but I think it's important for municipalities as well.

One of the problems that I found in my research at the municipal level is that municipalities are implementing Internet voting, but there are no overarching regulations. What if municipalities decide they want to implement e-petitions? There won't be any overarching regulations there. Something for you to consider as you're going through this and coming up with these policies is to think about the regulations that you're going to put into place for the Ontario Legislature, but also, would these be applicable to municipalities? Municipalities might look to you for leadership in terms of regulations and protocols if they were implementing e-petitions, or you might pass a bill and say, "These are the protocols you would have to use if implementing e-petitions" to make sure that there is a certain level of security and unity across the board in terms of the implementation of these petitions. I think that's an important point.

Finally, unique contextual factors in Ontario: What's going to determine if this is going to work really well in Ontario? It has to do with a lot of the unique context of the province, so taking that into consideration in deliberation as well.

Security: What are some questions for consideration when we're thinking about security? What is the current method for authentication? How are petitions currently authenticated? Are ordinary petitions currently authenticated? What are the current consequences for a petition? For example, at the federal level, I believe it's 25 signatures and then a paper petition receives a response. Kennedy Stewart had proposed 1,000 signatures, but I believe they decided on 500 signatures for any electronic petition and then they received a response. What are the correct consequences for a petition and what is the current threat model and risk assessment? These are all things that you folks should be thinking about in deliberating on this.

For example, the consequences. Example one: An MPP presents a petition but the government doesn't have to do anything. The consequences for this are not very big, so there's not really that great of a risk. The computer expert I consulted with said, "Well, the type of authentication that would be suggested in this scenario would be bank-based authentication," which is the same system that the CRA, the Canada Revenue Agency, uses, which is single-factor, password-only and no actual verification of identity.

However—I apologize; I think in the printout it says example one, but it's example two—in the case of binding referenda or a much more serious petition, you would want two-factor authentication. Two-factor authentication is something you have and something you know, like a password. In Estonia they use this for Internet voting, and for all their services. Estonians have a card. It's an ID card and it represents their driver's licence, their bus pass, their library card, their health card; it has everything on it. On this card is their digital

signature. Because it has everything on it, they don't want to necessarily just give it away to anyone to use. They're not willing to just give it away, and this authenticates their identity.

There are also keys. This is called a YubiKey. You put this in the computer and you press this button and it will give you a one-time password that you can use. You use that one-time password along with the password that you know, so it's something that you have and something that you know.

Another example of this would be if you get locked out of your Gmail account and you're trying to get back in, Google says to you, "We'll send you a text message with a code and you enter the code and then you can get back into your account." So the cellphone is something that you have. It's something that you have and then something that you know.

We don't have this in Ontario, but in BC they have recall initiatives. I believe that's how they were able to get rid of the HST. When you have a situation like that on your hands, the importance of the petition becomes much more colossal, let's say. Therefore, the threat of someone trying to compromise that petition becomes much greater. These are some of the things you want to think about when you're thinking in terms of security.

In addition, the security of the model will likely also impact the level of participation. When it comes to Internet voting, there are different approaches. I'm not going to get into all of them, but one approach is the one-step model where you just go online, put your PIN code in and you vote. We find that participation with that is pretty high.

Another model is a two-step model where electors or constituents are required to register to vote first and then they vote. With a two-step model we see participation is lower because there's a higher opportunity cost to participation. They have to go through two steps.

What are the steps for the e-petition system going to be? Think about this and know that the greater number of steps will probably likely result in lower participation rates. But by the same token, you have to make sure you have security, so you have to balance the two out together.

I think I'm okay for time. Those were just some initial considerations, but I'm happy to expand more for you in questions.

**The Vice-Chair (Mr. Garfield Dunlop):** Okay. Thank you very much, Dr. Goodman. We'll now go to the official opposition. We can do this in rounds. We'll try to keep track of your time and make sure everybody gets—let's go for questions to begin with.

**Ms. Laurie Scott:** Okay. That was an excellent presentation. I haven't been able to be on committee for the full e-petitions, so I have to tell you that a couple of times I sat in briefly and you kind of summarized a lot of my questions because that's what you're thinking of: How do you actually do this, and does it increase participation?

It's interesting the countries that are advanced—Estonia, the system. That's pretty phenomenal to know.



We're not near that here, which begs the question of the e-petitions.

Your comment was interesting that it doesn't increase the number by a huge amount—of the people that are already actively politically involved. That kind of surprised me. There was a petition online for an MNR issue in my riding, but we had people from all over the world engaged in this. Then, of course, you say, "But they're participating; they're making laws." Do you want to expand on that a little bit more? Can you expand on maybe any research you've had or something you haven't already said?

**Dr. Nicole Goodman:** On people from all over the world using it?

**Ms. Laurie Scott:** Especially in relation to laws. A lot of petitions are to change laws.

**Dr. Nicole Goodman:** Yes, definitely, that would be a consideration with an e-petition system. I know that the US has eliminated the geographic location, so you can be anywhere in the world and using the petition system, but other jurisdictions have limited it. So I think that would be something that you would want to consider.

1320

In terms of the participation—I guess I just want to elaborate a little bit—I think it depends on the reason why people aren't participating. If people aren't participating because they're too busy, if people aren't participating and signing petitions because they're not going to the places, where people are seeking signatures for these petitions but they're passionate and care about an issue, then e-petitions may encourage them to participate.

I guess all of you have probably heard about this democratic deficit that people talk about. It's not going to solve the democratic deficit. People often say technology is going to solve things and the reality is that it may offer some solutions and it may encourage some people to participate, but it's not going to bring the apathetic into the political process.

**Ms. Laurie Scott:** Okay. Those are very good comments. Thank you so much. I think Bob—

**The Vice-Chair (Mr. Garfield Dunlop):** Mr. Bailey, do you have a question?

**Mr. Robert Bailey:** Thank you, Dr. Goodman. My question was on the threshold for government response. I read in somebody's remarks—I don't think it was yours—the United States government looks at 100,000 petition names and then they give an official response. With the population being 10 times whatever, would we be looking at, say, 10,000 here in Ontario, or have you thought about that yet?

**Dr. Nicole Goodman:** It's hard to say. I'm not an expert on e-petitions, per se, but I would say look to other subnational jurisdictions and see what they're doing. At the national level, the UK and the US, yes, they have a 100,000 threshold.

**Mr. Robert Bailey:** A hundred thousand?

**Dr. Nicole Goodman:** A hundred thousand threshold, yes. They both have the same. That was because, in the UK, there was lots of popularity. In the US, they had that

Death Star petition, which I'm sure you've heard about, that was so popular.

So I would say look to other subnational areas; see what they have. In Canada, at the federal level, they've gone ahead with 500 signatures as being sort of the base threshold, and you may want to have more than one threshold: What is the threshold that's going to trigger a written response? What is the threshold that may necessarily trigger a debate in the Legislature?

**Mr. Robert Bailey:** Okay, thank you.

**The Vice-Chair (Mr. Garfield Dunlop):** Mr. Natyshak?

**Mr. Taras Natyshak:** Chair, just to clarify, what's the rotation going to be?

**The Clerk of the Committee (Mr. Trevor Day):** It's about 13 minutes each.

**Mr. Taras Natyshak:** So we're just going to keep rotating?

**The Vice-Chair (Mr. Garfield Dunlop):** Yes, we're just going to try to finish up.

**Mr. Taras Natyshak:** This is really exciting and thanks for being here. Thanks for the work that you've done. Congratulations on having the largest study in the world on e-petitions—

**Dr. Nicole Goodman:** Internet voting.

**Mr. Taras Natyshak:** On Internet voting.

**Dr. Nicole Goodman:** Internet voting, yes.

**Mr. Taras Natyshak:** Excellent, wonderful. If you have any information on that study, I'd love to review it. Of course, municipalities in my area of Essex—Kingsville would have been one that—

**Dr. Nicole Goodman:** They participated in the study.

**Mr. Taras Natyshak:** They participated? Good. I'd love to look at what their ideas were and to see that.

I don't know where to start. I think we're on the cusp of a whole new generation, a whole new methodology of participation in our democratic system. I believe also it is inevitable that these types of interactions between government and the public will continue to progress and to evolve. I'd love to hear some of your thoughts on ease of use, software, hardware, innovations that will make it easier. The more apps that come about that make it easier to do things are more likely to have greater participation.

I've got so many questions, but when it comes to e-petitions, we have to ensure that they are first and foremost in order to be presented to the Legislature. Would that require a public depository? What would be one of the private e-petition sites? You referenced one of them online.

**Dr. Nicole Goodman:** Oh, you mean companies that—

**Mr. Taras Natyshak:** Yes, companies.

**Dr. Nicole Goodman:** One company that uses e-democracy software is Scytll. It's a Spanish company. I believe they're developing something.

**Mr. Taras Natyshak:** So would we sign on there and then it would have to be validated by the Legislature? Is there a greater public sentiment to have it authenticated or validated by a public depository as a single point of



contact for e-petitions? And of course, it would segue into e-voting as well. Have you polled the public on what their level of trust is in the security provisions of e-petitions in regard to public entities for that format versus private entities like the one you've referenced?

**Dr. Nicole Goodman:** Great questions. Thank you.

With respect to the public-private divide, I can speak to the application of Internet voting on that. I am not as well versed in terms of e-petitions, but I think they are very similar. How it works with a private company is, essentially, the Legislature would hire a private company to be the vendor. You folks would design unique features of the system together, and then they would deploy that system for you. Certainly, that's the easier route to take when developing an in-house model, but you have to think about what the public perception is going to be about a private company handling this government service and what the public is going to think about a private company having access to their private information. For example, the House of Commons is going to require that they enter in their name, their address and their email address. If you had the same information being requested in petitions here in Ontario, how would Ontarians feel about a private company having access to that information? That's something to consider.

In the short term, it's probably going to be less costly to go with a private company; in the long term, it depends. Also, with a private company—it's just like Microsoft Word; you're constantly having to buy the newer version and update it. If you have your own in-house version, yes, you'll have to update it, but you'll have more control, and the costs over the long term may be less.

**Mr. Taras Natyshak:** Great issues to consider.

You referenced weighing online petitions, or e-petitions, versus hard copies, and I think we do that, whether we realize it or not, as legislators. To fill out a hard-copy petition, someone has to actually make the effort to find that petition, sign their name to it and hand it back to whoever is doing that. Conversely, I appreciate having a legible name associated with that person who is petitioning us.

We are entering an era, in terms of technology, where—for the information and for the sake of my colleagues here—news articles are being written at the pace of three news articles every second by robots nowadays. They're compiling information and assimilating and bringing information together, and qualified news sources are actually taking these as legitimate, journalistic articles. My concern is that with that type of technology evolving, how easy will it then be for someone to simply associate themselves with a cause and press one single button and, lo and behold, that's the effort that they have to put forward?

What do you think about those hard parameters that we should, if we are to embark on e-petitions or e-voting—what do you think about that type of effort that is required?

**Dr. Nicole Goodman:** I definitely think the authentication aspect, being able to identify, for example, if I'm

signing a petition, that I am Nicole Goodman and that I'm not signing two petitions—well, I'm not signing the same petition twice, as myself and as someone else.

As a social scientist, I can't really speak as thoroughly to the security aspects, but I'm happy to refer you to some colleagues who would suggest a suitable computer scientist to come and sit in with you and talk about some of the debates about authentication and what you might consider here in Ontario for the system that you're considering.

I just wanted to add, you mentioned something earlier about knowledge about petitions. If you don't mind this example, one of the things that I noticed from teaching students—one of the classes that I teach is called Political Participation, and the students have to engage in an act of political participation on an issue they're passionate about. They all wanted to do a petition. They said, "I'm going to do an online petition." I said to them, "Well, if you want it to be presented in the Legislature, you can't do an online petition. You have to do an official legislative petition." They threw their hands up in the air and said, "What? That's crazy." I downloaded the guide to writing legislative petitions and gave that to them, and they would say, "Oh, my goodness." I do think that a lot of people—this is just based on my students' knowledge—don't really know a lot about petitions or how they work. So there might be some potential here—because it's going to be on the Internet and hopefully user-friendly and more accessible—to increase knowledge about petitions and make them a little bit less arduous for people who want to start them.

1330

**Mr. Taras Natyshak:** The Estonian model: Who delivers that model of online petitions?

**Dr. Nicole Goodman:** I don't know 100%. I could find out for you. I think it's the government that controls it.

The one thing to keep in mind about the Estonian model—they have a great model, it's very advanced, but their population is so small compared to other populations, so it's easier for them to do. But I can find out for you.

**Mr. Taras Natyshak:** I'll cede my time to my colleagues. I'm sure I'll come up with something.

**The Vice-Chair (Mr. Garfield Dunlop):** You've used up about six minutes so far.

**Mr. Taras Natyshak:** I'm sure I'll come up with some more questions. Thanks so much.

**The Vice-Chair (Mr. Garfield Dunlop):** Okay. The government members: Mr. Ballard.

**Mr. Chris Ballard:** Thanks for a great presentation. It's interesting: You hit on a number of the common themes that we've started out with here. We've been struggling with them and have narrowed them down to a number of key issues. You identified them as well, and that's great.

It's interesting, because some of the comments that you made in terms of the reality are ones that—we had Dr. Wiseman here from U of T a couple of weeks ago



and his comments were very interesting because they almost echo what you're saying. He did jokingly refer to himself as a "professional contrarian." Our premise is that considering a suite of e-democracy tools will increase participation in the process. He said, "Take a deep breath and step back. Put the angst on hold. It's not going to markedly increase participation." He was going through all of the reasons why maybe we were a little stressed for no reason, that we need to look at some of the fundamental reasons why people will get involved in the democratic process, as you've found with your students, assigning them the task of getting involved.

He talked about how people are paying attention; they're just busy. Just because they're not political animals like we are here, watching everything that happens, doesn't mean they're not paying attention. It was interesting to look at the information, and the reality, in my mind, sort of validates a bit of what he's saying, but at the same time, from my perspective, it doesn't mean that we put things on hold and we don't progress.

One of the questions we struggle with here, one of the debates we've had—and I don't know if you want to comment on it—is on the division between who is the owner of the debate. Some people around the table would like to see the MPPs in charge of setting the petitions up, putting them on their own websites and then presenting them, and then there are others who are saying, "No, this really should be something that the Ontario Legislative Assembly controls." They're OLA property, and it's part of the government process to move them through. I don't know if you have any comments about that, what model you think might be the best one.

**Dr. Nicole Goodman:** The way that it works currently, if I understand correctly, you can certainly table a petition yourself. A constituent can approach you and say, "I'd like you to go ahead with this," but overall, it's controlled by the assembly. Is that correct?

**Mr. Chris Ballard:** Right.

**Dr. Nicole Goodman:** I would probably recommend that so that it's all sort of together and there is consistency. That would be my recommendation.

Can I add an additional comment based on something that you said?

**Mr. Chris Ballard:** Please.

**Dr. Nicole Goodman:** Again, this comes back to voting. I know you're not interested in that, but I really believe that voting is sort of the cornerstone of participation, and I believe these are very interconnected.

In terms of accessibility, right now, we're at a time in our lives where we are seeing citizens wanting more access than ever before. We all know that voter turnout has been declining—everyone knows that—federally and provincially for the past 20, 30 years. What's really interesting is that if you look at the data across Canada—all the provinces, including Ontario, and the national elections—you see that in the wake of this precipitous decline, there has been a dramatic increase like never before in advanced voter turnout—in this province as well, in provinces all across the country. What this tells

me is that people today want access, and they're making use of advance voting because it's more accessible.

When you offer Internet voting in communities—so you offer it in those 97 communities, for example, that just had it in the recent elections. In 98% of those communities, it's the preferred ballot choice, even when compared with paper, even in communities where 80% of the residents are elderly. That says to me that people want access.

**Mr. Chris Ballard:** Okay. Just a question based on that comment: The 98% that say it's now their preferred choice, or in those municipalities that offer it—and you might have mentioned this—was there a significant increase in voter turnout?

**Dr. Nicole Goodman:** Well, that's the thing—

**Mr. Chris Ballard:** Was there an increase?

**Dr. Nicole Goodman:** There is an increase—so if you look at the municipalities that just had the municipal elections, there was an increase, I think, in just over 50% and a decrease in 40-something per cent. There is not going to be an increase all the time.

But voter turnout is so contextual. For example, how many seats are acclaimed? Do you have a charismatic candidate running? Are there important issues?

**Mr. Chris Ballard:** How angry are people?

**Dr. Nicole Goodman:** Exactly.

**Mr. Chris Ballard:** At the end of the day, that's always the greatest motivator for petitions or voting or whatever, unfortunately.

Okay, that was the question I had. I just wanted to get some sense of Legislative Assembly or MPP.

**The Vice-Chair (Mr. Garfield Dunlop):** Yes, Ms. Wong? Go ahead.

**Ms. Soo Wong:** Thank you so much for coming this afternoon to give your presentation.

I want to hear a little bit more about Internet voting as well as e-petitions as they relate to a diverse community. From your study and your research work, do you see increasing participation in a large, diverse community like Ontario? Because this is one issue—I live in a riding in Scarborough that's very diverse. How do you engage and get them to participate?

**Dr. Nicole Goodman:** That, I think, is a very important question, and one that a lot of academics much more senior than myself have not been able to answer. My answer to that question is that I believe there are two broad categorizations of why people don't participate. I believe one relates to apathy and disinterest: People don't care, they're not interested—those types of things. I believe that the other one relates to access. People say that they're too busy.

I'm a mom of two small children. I'm on maternity leave right now. I find it difficult to get out of the house some days. So for me, being able to do things online makes everything so much easier. I think that with these sorts of tools, you're going to appeal to those people who don't participate for accessibility reasons.

But you're not going to be able to get the apathetic. I don't know if there is a recipe to target those people. I



know that various EMBs, concerned citizens' organizations, and not-for-profits have tried different strategies, and I don't know if there is really a clear-cut way of doing that.

But I can tell you, knowing the Ontario public through my Internet voting research, that the rate of Internet penetration in Ontario is very good. Not only do people have access, but they have good-quality access. Even in rural communities, although sometimes good connectivity is an issue, people seem to have gotten around that for the most part, at least in terms of Internet voting. So you have the Internet penetration.

In terms of digital profiles—what that means is people's knowledge level and comfort with the Internet—we see good levels overall in Ontario. But even people who aren't very comfortable with the Internet, who don't use it every day, are still willing to give Internet voting a try, and I bet they would be willing to give e-petitions a try too.

So you have the Internet penetration; you have the digital profile. Finally, I think you have the public attitudes that Ontarians are willing to embrace e-services. I think that's clear through Internet voting. You offer it to a community that maybe has a large senior population. You offer them Internet voting, paper voting and telephone voting, and you see overall that they choose Internet voting. That says something, right?

I think the appetite is here among Ontarians to make use of these types of services. It just has to be done properly, incrementally.

**The Vice-Chair (Mr. Garfield Dunlop):** Mr. Balkissoon, do you have a question?

**Mr. Bas Balkissoon:** Thank you very much for your presentation. It was well put together to outline the issues we should be considering. We've been going through this quite a bit. I'm very keen on receiving your report on e-voting. If I could get a copy, I'd love it.

In e-voting, I'm interested in the security part, because it would apply to the petition part also, if you want to have a true system where you know that the data you're collecting is valid data and somebody didn't bomb the system.

1340

I was interested in the two parts that you talked about, that I have information in my head and I have a device to put the two together. In the e-voting that took place in Ontario, how many municipalities used the two-step security process?

**Dr. Nicole Goodman:** The two-factor authentication? None of them did.

**Mr. Bas Balkissoon:** None of them?

**Dr. Nicole Goodman:** No.

**Mr. Bas Balkissoon:** And that's my concern. Like Estonia—I come from a very small country; we have 1.2 million people. Everyone over 18 years old has an ID that is provided to them by the government, and you can only vote when you present that ID with your photograph on it and your fingerprint. That's the security. We've been struggling here with how we get the security. I'm not a

supporter of e-voting until you improve the security. I also come from a country where we know how to rig the system. I could teach you all.

**The Vice-Chair (Mr. Garfield Dunlop):** Tell us more now.

**Mr. Bas Balkissoon:** I warn my colleagues all the time that you have to look at the security first. If you don't have it, you would not have a valid process. I would be interested in knowing more how that two-step process works and how many variations of it are available that you're aware of.

**Dr. Nicole Goodman:** Again, my research focuses mainly on the attitudinal, the social science impacts, but I knew that I was coming here and I thought it would be helpful to at least present some of the security arguments.

**Mr. Bas Balkissoon:** I'm happy you did.

**Dr. Nicole Goodman:** I can speak to the Internet voting models at the municipal level. But if security is a concern, then I think what I said about policy is really important for you folks to consider. I tried to find if the city of Toronto was doing e-petitions, but I couldn't find anything.

**Mr. Bas Balkissoon:** No, they don't.

**Dr. Nicole Goodman:** But maybe they will be. So if you're going to go ahead with this, I think it's important to think about introducing policies that could be applied at the municipal level. What we see right now in terms of Internet voting is a hodgepodge of application. The province writes the Municipal Elections Act, but beyond that, municipalities have a certain level of autonomy in terms of delivering and executing an election and deciding what they want to go ahead with. Likewise, with respect to e-petitions, I think having those policies in place would be really important.

**Mr. Bas Balkissoon:** When the province allowed e-voting, I had concerns. I raised them. I can see e-voting working very well in a rural community where the transportation and the distance to travel to vote is a real issue. You're helping the voter there, so access becomes a real benefit. But in the urban centre, where travel to a voting station is not an issue, then e-voting, without 100% confidence in your security, I have a lot of difficulty with. That's my concern. So if I could get any material from you regarding the two-step process, how it works, whose technology it is or what ideas there are, I would love to learn that for myself. I have an interest, as we go through this process, to ensure that we put that security in place.

I do agree with you: When e-voting was put out by the Ministry of Municipal Affairs, it was wide open and left to the municipality to decide how they want it because that's what the Association of Municipalities of Ontario requested. I don't think a lot of them have verified the security in the voting process that they have adopted.

I've paid attention, and I don't think there are a lot of urban centres that have gone to e-voting in a significant way. They've tried it in a pilot, but they have not expanded it to everybody else. I think the only one that did it recently is Ajax.

**Dr. Nicole Goodman:** Ajax, Markham—



**Mr. Bas Balkissoon:** Markham is still a pilot, and it's very small.

**The Vice-Chair (Mr. Garfield Dunlop):** I just want to let you know that we've used up your time, 14 minutes. Not that we're being very flexible here, but we are going to get some other questions here. To the official opposition.

**Ms. Laurie Scott:** If you want to follow up for another couple of minutes, I will kindly donate time. Granville, do you want to? I'm on the record as a nice person offering my time.

**Mr. Granville Anderson:** Thank you, Dr. Goodman, for an excellent presentation.

**Dr. Nicole Goodman:** Thank you for having me.

**Mr. Granville Anderson:** I noticed you alluded to certain demographics, like 55 and over, that would participate more, and a certain income level, higher income. I thought the whole premise behind this process was to get younger people to participate and to get people at lower income levels to participate. How would we get their interest? How would we get them involved in the process? Right now, 55 and over, they are the people who usually vote. They are the people who will take the time to do that, I guess. It's not disparaging or anything. They have more time to dedicate to that kind of process.

**Mr. Bas Balkissoon:** They're more engaged.

**Mr. Granville Anderson:** Yes, we're not engaging the whole segment of society. Have you looked into that, or do you have an answer for that?

**Dr. Nicole Goodman:** Like I said before, it's very difficult to get the apathetic to participate. So if the reason people aren't participating is because of apathy, then it's very challenging to do that.

Some of the things that can be done are information, education and outreach to young people, letting them know this is available now. If you have a grievance, if there is an issue that you're passionate about—do you care about the environment in your local community? Maybe you want to protest the building of something or something like that. You can come forward, and you can complete this petition.

With respect to people from lower incomes, they may not have access to computers or the Internet. I think it's really important to ensure that the system would be accessible from public access points, such as libraries, Internet cafés, those sorts of things, which I assume that it would be. So ensure that people can access it from all over. You may want to consider an application, an app. I thought that was a great idea.

I also wanted to add, like I've mentioned before, that if it would please the committee, I'm happy to put the committee Clerk in touch with a computer security expert who has done work on e-petitions who could come in and talk to you specifically about authentication and the type of authentication that you might consider here in Ontario for the adoption of e-petitions. I think that would be beneficial for everyone—

**The Vice-Chair (Mr. Garfield Dunlop):** Okay, thank you very much.

**Mr. Granville Anderson:** Thank you. Thank you for the time, Laurie.

**The Vice-Chair (Mr. Garfield Dunlop):** You're good neighbours.

**Ms. Laurie Scott:** You're welcome. You've been excellent. I've been listening to the conversations.

**The Vice-Chair (Mr. Garfield Dunlop):** I'd now like to go over to the third party for more questions.

**Mr. Taras Natyshak:** Do they have more time left?

**Ms. Laurie Scott:** No, it's okay.

**The Vice-Chair (Mr. Garfield Dunlop):** They're not using any more time.

**Mr. Taras Natyshak:** You're not using more time? Okay.

Just a couple of quick questions. Have you studied the global rate of modernization in other similar developed countries when it comes to e-petitions or e-voting? Who is taking it up? What is the rate at which they're taking it up? Is it coming online pretty quickly, or are other jurisdictions still struggling with the same issues that we would be as a subnational jurisdiction?

**Dr. Nicole Goodman:** Great questions, thank you. I can speak to both of them. With respect to e-voting, we saw quite a large uptake about a decade ago, particularly in European jurisdictions. Countries and regional jurisdictions were jumping on it because everyone thought that it was going to be this quick fix for the democratic deficit, to get people really engaged.

Now we only really see growth in three areas in the world. We're seeing growth in Estonia; they're continuing to do Internet voting. They use it for their local elections, their national elections and their extra-parliamentary elections.

We see growth in Switzerland. They use it for their cantonal elections, which is the equivalent of the provincial elections here.

Then we see growth in Canada. A quarter of Ontario electors had an option of voting online in the municipal elections, and it's expected that that is going to more than double in the next election cycle, so by 2018.

So why have all the other jurisdictions sort of pulled out, and why aren't they going ahead with it? Because they're largely resigned that it's not going to be that quick fix, it's not going to repair the democratic deficit. Also in Europe there are a lot of fears of the Internet associated with security. Strain on budgets because of the recession in 2008 has been another reason.

With respect to e-petitions, I'm not as well versed, but from what I looked at, it seems again that European jurisdictions were more inclined to jump on it. However, the uptake of e-petitions seems to have been slower than e-voting. Again, I'm not as well versed, but I don't see the same drop-off there. We slowly see other jurisdictions adopting it.

An example would be that e-voting has been in Canada since 2003, and e-petitions are relatively newer. I think Quebec adopted them in 2008, and the Northwest Territories I'm not exactly sure when, but they haven't been around for as long.



1350

**Mr. Taras Natyshak:** Are you aware that the standing orders of this House prohibit us, as legislators, to have electronic devices in the chamber?

**Dr. Nicole Goodman:** No. I thought that had been changed.

**Mr. Taras Natyshak:** No. It is at the discretion of the Speaker to either allow us—there's a pilot project happening right now. We all have our phones; but some also have iPads. So that would have to change. Well, it wouldn't have to, but it would certainly facilitate the implementation of e-petitions. That's just for your information.

I will leave you with this, and I will cede my time to the Chair: I am encouraged by this single and singular figure that I quickly accessed on my phone, where all the answers are held, through Google, to all of the world's questions. In the most recent US presidential election, 122 million people voted, and I am encouraged to know that, in contrast, 132 million people voted for the winner of the American Idol contest, given that it was a little bit easier, I would imagine, to vote for the American idol than it was for the American President. In terms of getting to those disenfranchised voters, maybe we need better singers as our legislative representatives, but I definitely think there is something to be said about access and accessibility to voting that enables greater participation.

**Dr. Nicole Goodman:** May I very, very briefly make one quick comment to what you just said?

**Mr. Taras Natyshak:** Absolutely.

**Dr. Nicole Goodman:** I think it's important to think about e-petitions not on their own, but—and this relates to your comments—as part of a broader trend towards the modernization of political institutions, particularly Legislatures. I say this with respect to Internet voting too. Don't think about it in isolation; think about this as part and parcel of a broader trend toward modernization: e-petitions, e-voting, being able to use electronic devices in the Legislature—

**Mr. Taras Natyshak:** Welcome to the 21st century.

**Dr. Nicole Goodman:** Exactly, yes. Think about how you would envision digital and mobile technologies making the institution of the Ontario Legislature work better for the members who are within it, the staff and also the people of Ontario.

**Mr. Taras Natyshak:** Very good. Thank you for being here today.

**The Vice-Chair (Mr. Garfield Dunlop):** Are there any other comments here? We've got a couple of minutes, Ms. McMahon?

**Ms. Eleanor McMahon:** Just a quick comment. Thank you so much for your presentation. I think you're hearing from all sides the enthusiasm for the research you've done and how interesting it is.

I found one of your comments particularly interesting, and it kind of builds on my colleague's comments. It has to do with ease of transaction. Just in parenthesis, it's part of what's changing a lot of the dynamics around

fundraising these days. I used to work at United Way, for example, and United Ways are finding themselves in a bit of a challenge right now, because their fundraising model is changing so rapidly. Part of that has to do with technology, and changing moods around what's important in terms of social causes and so on.

It seems to me the same dynamics are shaping this. If we want to engage the disenfranchised, then two things strike me: (a) Maybe we're barking up the wrong tree with this, or (b) This doesn't seem like the ideal path to get there. I know you're not saying "Don't do it." It seems like you're almost saying to us, and correct me if I'm wrong, of course, "Maybe you need to modify your expectations a little bit in terms of what the outcomes are." Does that make sense?

**Dr. Nicole Goodman:** Yes. Thank you for your comment. I guess what I'm trying to say is the headline that I copied and pasted on the third slide. I wouldn't come out in the news media and say, "Ontario Legislature Introduces e-Petitions to Dramatically Improve Participation." I would say, "The Ontario Legislature is introducing e-petitions to improve accessibility and convenience for citizens, to focus on more citizen-centred service for their constituents, to add to more procedural transparency," so maybe "The Ontario Legislature is moving toward open government" in different respects. This could be seen as part of that in terms of being more open, more accountable, because people can track petitions online. Or "The Ontario Legislature is moving forward with this because they want to show a leadership role in e-government. They recognize that Quebec and the Northwest Territories are doing this. As the largest province in the country, they're going to move forward with this and hopefully set a leadership standard, not only for other provinces that have yet to adopt this, but also for the 444 municipalities that rest within its borders."

**Ms. Eleanor McMahon:** Interesting. Thank you.

**The Vice-Chair (Mr. Garfield Dunlop):** Thank you very much, everyone. Dr. Goodman, thank you very much for your time here today. We really appreciate your filling in. Is there anything anyone else has to ask? Mr. Barrett?

**Mr. Toby Barrett:** No.

**The Vice-Chair (Mr. Garfield Dunlop):** So you can be excused, or you can sit and watch us for the rest of the day. I know how much you like this.

**Dr. Nicole Goodman:** Thank you so much for having me. I used to be, a long time ago, an intern here at Queen's Park, through the OLIP program.

*Interjections.*

**Dr. Nicole Goodman:** I worked for Kevin Flynn and for Tim Hudak, so I had an interesting internship experience, yes.

**Ms. Laurie Scott:** Thank you for coming back.

**The Vice-Chair (Mr. Garfield Dunlop):** Thank you very much.

**Dr. Nicole Goodman:** Thank you very much for having me.



**The Vice-Chair (Mr. Garfield Dunlop):** Good luck. Certainly, you've done well in your career. You have your PhD; you've done something right.

Mr. Barrett.

### COMMITTEE BUSINESS

**Mr. Toby Barrett:** Chair, we drafted copies of a motion I'd like to distribute to committee members. If the wording is okay, I would like to make a motion.

**The Vice-Chair (Mr. Garfield Dunlop):** Okay. Go ahead and move your motion.

**Mr. Toby Barrett:** I'm going to continue with that if that's okay, Chair. I don't know if everybody has got a copy yet.

Chair, I move that the Clerk, in consultation with the committee Chair, be authorized to arrange the following with regard to Bill 27, Provincial Framework and Action Plan concerning Emerging Vector-Borne and Zoonotic Diseases Act, 2014:

—The committee shall meet at its next regularly scheduled meeting day for the purpose of public hearings;

—Following public hearings, the committee shall meet at its next regularly scheduled meeting day for one day of clause-by-clause consideration;

—Notice of public hearings on the Ontario Parliamentary Channel, the Legislative Assembly's website, and Canada NewsWire; and

—That the deadline for requests to appear be 12 noon on Friday, May 29, 2015;

—That following the deadline, the Clerk of the Committee provide the members of the subcommittee with a list of requests to appear;

—That the members of the subcommittee prioritize and return the list by 4 p.m. on Friday, May 29, 2015;

—That the Clerk of the Committee schedule witnesses from those prioritized lists; and

—Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

—The deadline for written submission is 6 p.m. on the final day of public hearings;

—That the research office provide a summary of the presentations by 5 p.m. on Friday of the same week following public hearings; and

—The deadline for filing amendments to the bill with the Clerk of the Committee shall be 12 noon two sessional days preceding the scheduled meeting for clause-by-clause; and

—That following consideration of Bill 27, the committee resume its consideration of e-petitions.

**The Vice-Chair (Mr. Garfield Dunlop):** You've all heard that. Questions? Any comments on it?

**Mr. Toby Barrett:** I could comment briefly. With the normal process, I would expect amendments. I have worked with the Ministry of Health a bit on this. They've suggested one area of amendments that I'm comfortable with.

I also know that as far as witnesses—obviously, from this we do not have much time to notify people to come forward as witnesses. But I do know that Soo, for example, during one of our subcommittee meetings, brought forward several names of public health organizations. Michael Mantha has done a tremendous amount of work on this and is very closely aligned with some of the Lyme disease organizations.

I would just throw that out. If this passed, time would be of the essence to make sure that we notify key people to come out. There may be someone suffering from Lyme or West Nile virus or someone with concerns around Ebola. It doesn't focus on any particular infectious disease.

**The Vice-Chair (Mr. Garfield Dunlop):** Okay. Thank you. Any other questions on it? All those in favour of it?

**Mr. Michael Mantha:** Can I call for a recess?

**The Vice-Chair (Mr. Garfield Dunlop):** You can have up to 20 minutes. What would you like?

**Mr. Michael Mantha:** Ten.

**The Vice-Chair (Mr. Garfield Dunlop):** Ten? We'll have a 10-minute recess. We'll be back at 2:10.

*The committee recessed from 1400 to 1410.*

**The Vice-Chair (Mr. Garfield Dunlop):** Okay, everybody, we have to do the vote now. We have to do the vote. So thank you very much for reconvening.

All those in favour?

**Ms. Laurie Scott:** Sorry, Chair. Just before we start—

**The Vice-Chair (Mr. Garfield Dunlop):** We can have a recorded vote.

**Ms. Laurie Scott:** Yes, please.

### Ayes

Anderson, Balkissoon, Ballard, Barrett, Mantha, McMahon, Scott, Wong.

**The Vice-Chair (Mr. Garfield Dunlop):** None opposed. So it's all in favour. It's carried.

Yes, Mr. Mantha?

**Mr. Michael Mantha:** Chair, in the spirit of good faith that I've just experienced here—I'm going to be quite happy to finally have a discussion on this particular bill. I know my friend here has put in a lot of work, and I'm looking forward to working with him.

In that spirit, I'd like to move a motion that, as quickly as we can, in the same format that he has presented—that at the earliest possible time we discuss Bill 64, Ms. Peggy Sattler's intern bill.

*Interjections.*

**Mr. Michael Mantha:** I believe it's 64, the internship.

**The Vice-Chair (Mr. Garfield Dunlop):** You haven't prepared a motion?

**Mr. Michael Mantha:** It's coming.

**The Vice-Chair (Mr. Garfield Dunlop):** Pardon?

**Mr. Michael Mantha:** It's on its way.

**The Vice-Chair (Mr. Garfield Dunlop):** Okay. So you're referring to Bill 64, An Act to amend the Ministry



of Training, Colleges and Universities Act and the Employment Standards Act, 2000, by Peggy Sattler?

**Mr. Michael Mantha:** Yes. If you can give me five minutes, I can go get it. It should be prepared in about five minutes.

**The Vice-Chair (Mr. Garfield Dunlop):** With the permission of the committee, can we recess for another five minutes? I don't see any problems with that. Do you want a five-minute recess?

**Mr. Michael Mantha:** I don't know. Does the committee want more?

Hold on. We're making a decision over there; we're not sure. We're smiling. Everyone looks like they're co-operative here.

**The Vice-Chair (Mr. Garfield Dunlop):** I'm going to go with a five-minute recess.

*The committee recessed from 1412 to 1417.*

**The Vice-Chair (Mr. Garfield Dunlop):** We'll reconvene.

**Mr. Michael Mantha:** I move that the Clerk, in consultation with the Chair, be authorized to arrange the following with regard to Bill 64, Protecting Interns and Creating a Learning Economy Act, 2015:

(1) One day of public hearings on the next sessional day following clause-by-clause on Bill 27 at Queen's Park;

(2) One day of clause-by-clause consideration on the next sessional day following hearings on Bill 64;

(3) Notice of public hearings on the Ontario parliamentary channel, the Legislative Assembly's website, and Canada NewsWire;

(4) That the deadline for requests to appear be 12 noon on the Friday prior to clause-by-clause consideration of Bill 27; and

(5) That following the deadline, the Clerk of the Committee provide the members of the subcommittee with a list of requests to appear; and

(6) That the members of the subcommittee prioritize and return the list by 5 p.m. on Monday following the deadline;

(7) Each witness will receive up to five minutes for their presentation, followed by nine minutes for questions from committee members;

(8) The deadline for written submissions is 6 p.m. on the final day of public hearings;

(9) The deadline for filing amendments with the Clerk of the Committee be at 5 p.m. on the day following public hearings.

**The Vice-Chair (Mr. Garfield Dunlop):** Would you like to speak to it?

**Mr. Michael Mantha:** I just want to add to what I just witnessed here earlier. It was a good step forward by bringing an important issue which I have been working on, along with my friend Mr. Barrett here, for a very long time. There are a lot of Ontarians who are suffering from vector-borne diseases, and I was quite pleased to see this moving forward in a spirit of co-operation.

Once again, we have an opportunity here to take advantage of another group of individuals, young-minded individuals, who have been taken advantage of for a very long time across this province. We have an opportunity to address that concern as well. It's in the spirit, I stress, of what I saw here earlier that I bring this amendment and this motion forward to hopefully get the support from the committee and we can have the discussions on it.

**The Vice-Chair (Mr. Garfield Dunlop):** Any further debate? I'm going to call the vote.

All those in favour of this motion? Opposed?

I'm sorry, Mr. Mantha; the motion doesn't carry today.

Anything else, for the good of the committee? With that, we're adjourned.

*The committee adjourned at 1420.*







## CONTENTS

Wednesday 27 May 2015

Petitions .....	M-125
Dr. Nicole Goodman .....	M-125
Committee business .....	M-134

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Toby Barrett (Haldimand–Norfolk PC)

#### **Vice-Chair / Vice-Président**

Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)

Mr. Granville Anderson (Durham L)  
Mr. Bas Balkissoon (Scarborough–Rouge River L)  
Mr. Chris Ballard (Newmarket–Aurora L)  
Mr. Toby Barrett (Haldimand–Norfolk PC)  
Mr. Garfield Dunlop (Simcoe North / Simcoe-Nord PC)  
Mr. Michael Mantha (Algoma–Manitoulin ND)  
Ms. Eleanor McMahon (Burlington L)  
Ms. Laurie Scott (Haliburton–Kawartha Lakes–Brock PC)  
Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Taras Natyshak (Essex ND)

#### **Also taking part / Autres participants et participantes**

Mr. Robert Bailey (Sarnia–Lambton PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research





M-15

M-15

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 16 September 2015

# Journal des débats (Hansard)

Mercredi 16 septembre 2015

## Standing Committee on the Legislative Assembly

Organization

## Comité permanent de l'Assemblée législative

Organisation



Chair: Monte McNaughton  
Clerk: Trevor Day

Président : Monte McNaughton  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 16 September 2015

Mercredi 16 septembre 2015

*The committee met at 1303 in committee room 1.*

## ELECTION OF CHAIR

**The Clerk of the Committee (Mr. Trevor Day):** Honourable members, it is my duty to call upon you to elect a Chair. Are there any nominations? Mr. Clark?

**Mr. Steve Clark:** I would like to nominate Monte McNaughton as the Chair of the committee.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. McNaughton, do you accept the nomination?

**Mr. Monte McNaughton:** I do.

**The Clerk of the Committee (Mr. Trevor Day):** Are there any further nominations? Seeing no further nominations, nominations are closed. Mr. McNaughton is duly elected as Chair.

## ELECTION OF VICE-CHAIR

**The Chair (Mr. Monte McNaughton):** It is my duty to entertain a motion for Vice-Chair. Are there any motions? Mr. Clark?

**Mr. Steve Clark:** I would like to nominate Jack MacLaren as Vice-Chair of the committee.

**The Chair (Mr. Monte McNaughton):** Any other motions? Hearing none, a motion has been made by Mr. Clark to appoint Mr. MacLaren as Vice-Chair. Any debate? Are the members ready to vote?

Shall the motion carry? Carried.

## APPOINTMENT OF SUBCOMMITTEE

**The Chair (Mr. Monte McNaughton):** I'd like to recognize Mr. Mantha.

**Mr. Michael Mantha:** I move that Mr. Clark replace Ms. Scott on the subcommittee for committee business.

**The Chair (Mr. Monte McNaughton):** Any debate on the motion? Are the members ready to vote?

Shall the motion carry? Carried.

Any further business? Mr. Clark and then Ms. Wong.

**Mr. Steve Clark:** Chair, I know that the committee has been dealing by motion with e-petitions, and I know that the research staff have done a tremendous job with the documents, so I just ask that the new members of the committee be given those documents so that they can review them.

The bigger question, Chair, is to the government. They have a majority on this committee. We've met many times about the e-petition issue—it's a priority, I think, for all three parties—so I would ask, either at this committee or at the subcommittee, that the government table its intentions for a time frame for us to close debate on e-petitions and be in a position to make recommendations on how to move forward.

I think it's very important that we have some closure but I recognize that the government may have additional experts, that they wish to table information. But I really do believe that we've had a really good debate so far in this committee and we should be very close or at least within a few weeks of having report writing on how we're going to move forward.

So I'd like to put that on the table and would ask that the other two parties support that concept moving forward. I look forward to the government tabling that document, either with the committee or the subcommittee, within the next week.

**The Chair (Mr. Monte McNaughton):** Thank you, Mr. Clark. Any further discussion? I recognize Ms. Wong.

**Ms. Soo Wong:** Mr. Chair, I'm happy to have this conversation through the subcommittee and I'm going to move adjournment of this committee.

**The Chair (Mr. Monte McNaughton):** Ms. Wong has moved adjournment of the committee. Shall the motion carry? Carried. Adjourned.

*The committee adjourned at 1306.*

## CONTENTS

Wednesday 16 September 2015

Election of Chair.....	M-137
Election of Vice-Chair.....	M-137
Appointment of subcommittee .....	M-137

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### **Vice-Chair / Vice-Président**

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Ms. Ann Hoggarth (Barrie L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



XC20  
- L20

M-16



M-16

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 7 October 2015

# Journal des débats (Hansard)

Mercredi 7 octobre 2015

Standing Committee on  
the Legislative Assembly

Petitions

Comité permanent de  
l'Assemblée législative

Pétitions



### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 7 October 2015

Mercredi 7 octobre 2015

*The committee met at 1300 in committee room 1.*

## SUBCOMMITTEE REPORT

**The Chair (Mr. Monte McNaughton):** We'll call the meeting to order. Welcome to the Standing Committee on the Legislative Assembly. On our agenda today, we have the report of the subcommittee on committee business. Do I have a mover? Soo?

**Ms. Soo Wong:** I'm going to move the committee report.

Your subcommittee on committee business met on Wednesday, September 30, 2015, to consider the business of the committee, and recommends the following:

(1) That the Chair of the Committee invite the following witnesses to make a presentation on e-petitions and that they be scheduled to present no later than October 28, 2015:

(a) Mr. Brian Beamish, Information and Privacy Commissioner of Ontario or designate;

(b) Mr. John Roberts, Chief Privacy Officer and Archivist of Ontario or designate.

(2) That each witness be offered up to 30 minutes for their presentation followed by up to 30 minutes for questions from the committee.

(3) That the table research officer provide an update on the current procedures for e-petitions at the Canadian House of Commons and the United Kingdom House of Commons and establish an appropriate contact in both Houses for further inquiries.

(4) That the committee begin in camera report writing on November 4, 2015.

(5) That the committee agree to vote on a final report no later than December 9, 2015.

(6) That the Clerk of the Committee, in consultation with the Chair, be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

**The Chair (Mr. Monte McNaughton):** Any discussion of the motion? Are the members ready to vote? Shall the report carry? Carried.

## PETITIONS

**The Chair (Mr. Monte McNaughton):** Next, everyone has in front of them a progress report on implementing e-petitions in the Canadian and UK Houses of

Commons. Joanne McNair has a presentation. I thought what we would do is as Joanne is going through the presentation, if the members would identify for me if you have questions, we'll ask questions throughout the report.

I'll turn it over to Joanne.

**Ms. Joanne McNair:** I hope you had a chance to at least scan through the paper. I'm not going to go through the paper itself, as such; I thought what we would do is look at what we have from the House of Commons and then at the UK sites. I'll probably end up mentioning pretty much everything that's in the report and maybe a few additional details, but as Mr. McNaughton said, if you have any questions at any point, please just stop me and we'll talk about it.

We'll start with the attachments we got from the presentation that was done for the procedure and House affairs committee. I apologize for the quality of them; they're just PDF attachments so they didn't photocopy very well. That's why I wanted to bring them up on the screen. Those are the attachments that are at the end of your report.

The first screen: As I said in the report, this might not be exactly what the final site looks like. There might be some few final tweaks and changes here and there, but it will be pretty close to what we can expect on their website once it goes live.

You've all visited the Parliament of Canada website at some point in time? They said that when you come on the landing page, the home page, there will be something very clear and obvious that will say e-petitions or whatever that you'll be able to click to find the site.

This would be the home page for the e-petitions website itself. As you can see, it's very straightforward and very clear. You have the option—if you just want to look at what petitions are there and maybe sign one; if you want to create a petition; if you want to look at the responses that the government has made to the petitions; or just learn more about petitions in general, those are the options that would be on the main page.

If you want to create a petition, you will have to create an account on the site. You see at the top of the page here, there's the sponsor option or the sign-in option. This sponsor option is for MPs; that will not show up to members of the general public. When they go on the site, you won't see the sponsor option. That will detect an MP IP address or account or something and it will show up for them but not for members of the general public.

You'll see the sign-in, so that's where you would create an account.

The second page of that handout is simply the same information, but this is how it will look on a mobile device. They've ensured that the site is 100% responsive, so whether you're looking at it on a 24-inch monitor, your smart phone or a tablet, it will look and display properly and function properly on all devices.

The next page is if you want to create a petition. One of the things that struck me is that they've maintained—well, you see very clearly that they have the option for a practical guide. They made it quite clear in the briefing that there would be links everywhere on how to do a petition and how to complete the forms. They also have these little information buttons next to all the main fields, which you've probably seen on other websites. Normally when you click on them, a little pop-up box appears that has information, like what to put in this field and how to complete it.

They maintained the traditional language for petitions. So you have the petition "To the House of Commons" with your grievances: "Whereas blah, blah, blah;" "Whereas blah, blah, blah;"—you can add as many whereases as you like. There's a button there to add more whereases, and then finally you get down to the prayer part. However, they put a 250-word limit on this, which struck me as a bit strange because if you've got a lot of whereases, you're going to use up your 250 words really quickly.

But we contacted them to clarify that, and you can ignore that completely. Since 1985, they don't require that paper petitions to the House of Commons use the traditional petition format. You can just send one in that says, "The government should stop doing XYZ." Here you go. People will have the option to ignore all that whereas stuff and just fill in the prayer section—

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** Have we done any research—what's the average word length of a petition that we would present in the Ontario Legislature? Would you know?

**Ms. Joanne McNair:** I don't know. I could ask journals to see if they have—

**Mr. Steve Clark:** It would be interesting to ask them what the length is. I was surprised when you said that there was a word-count maximum because I would think many of our petitions are far longer than 250 words.

**Interjection:** Pages.

**Mr. Steve Clark:** Yes, absolutely. Okay. Thanks.

**Ms. Joanne McNair:** Most e-petition sites from other Legislatures all have a word limit for the prayer section, the requesting section, and 250 is one of the shortest ones I've seen. They tend to be about 1,000 or 900—I forget who, but I think somebody's had about 2,000 words. But 250 is definitely, I think, the shortest that I've seen on any site.

So you fill in all your petition part and then when you get down to the sponsor—because you will need a member of Parliament to sponsor your petition. They assure

me that there will be a drop-down menu, because my concern was that a lot of people won't know who their own MP is, never mind who else they should approach for this. There will supposedly be drop-down menus, and people will have to put in the name of a member they want to approach to sponsor the petition.

You also have to supply the names and email addresses of at least five people you think will support this petition because it will not be able to go live unless it has six supporters, the petitioner being one of them—so the petitioner plus five supporters before the petition can even appear on the site.

1310

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** If I was creating a petition on this House of Commons site, and I picked an MP, would there be some notification sent to the MP? Because later on in your report, the background says that if you ask five and all five decline, you end it.

**Ms. Joanne McNair:** We'll get to that, if you don't mind. We'll take a—

**Mr. Steve Clark:** Yes, sure. It just seems very strange when I read that.

**Ms. Joanne McNair:** Yes. There are some things about their site that I'm not crazy about.

**Ms. Soo Wong:** I had the same question.

**Mr. Steve Clark:** Okay, I'll listen. I'll stop talking.

**Ms. Joanne McNair:** You need at least five other people right from the get-go to support your petition. There's a little "add a supporter" here. You can list up to 10 people, so you can keep clicking that and add 10. They will send out emails to all of the people that you list, saying, "You've been asked to support this petition." Once five have replied, it will proceed to the next step. They won't wait. If you've given 10 names, they won't need all 10. It's just in case people make a mistake, like sometimes you make a typo.

**The Chair (Mr. Monte McNaughton):** Sorry. Mr. Balkissoon?

**Mr. Bas Balkissoon:** The five people who are signing the petition—how much detail do they request from those people to, say, verify identification and that it's a real person rather than somebody just—

**Ms. Joanne McNair:** We'll get to that, but basically their name and email.

**Mr. Bas Balkissoon:** No address?

**Ms. Joanne McNair:** No.

**The Chair (Mr. Monte McNaughton):** Ms. Wong?

**Ms. Soo Wong:** My question is with regard to sponsors. I'm just visually looking through the process. What we know, as MPPs, is that if, let's say—I'm just going to use our party first. So they approach me and I say no. Then this same person will go to my colleague Ms. McGarry. Will she know that this petitioner was trying to get to me and I said—

**Ms. Joanne McNair:** No.

**Ms. Soo Wong:** They do not know. Interesting. Because they could play each one of us. Right? Am I correct? Within your own party?



**Ms. Joanne McNair:** Yes. You can add up to 10 potential supporters and hope that at least five of them support you on this. Then of course there's the verification—"I'm not a robot." I don't think you have to tick the box, "I am a Canadian citizen or permanent resident" down here at the bottom. You do have to tick "agree to the terms of use."

The Canadian citizenship thing is because it will block IP addresses that are outside the country. But if, say, you're a Canadian student doing a year abroad and there's an issue that comes up at home that you're really concerned about and you want to start a petition about it, you can still do that from abroad as long as the box is ticked. There's no sure way. It's impossible to completely prohibit people who aren't Canadians from getting involved in this. It's the same with paper petitions. We don't phone up every single person who signs a paper petition to make sure they're actually—

**Ms. Soo Wong:** We don't ask if they're Canadians on our petitions. That's just not right.

**Ms. Joanne McNair:** The next slide is for people who want to sign or just look at the petitions. There are several ways to do that. You'll be able to search for them by putting in a keyword to see what petitions may have been started on that. They list all the petitions that will be open for signatures. You'll be able to scroll down and look at them randomly. There's the option on the side here to refine your search, where you can search by member of Parliament, which members have sponsored which petitions, if you want to see what your MP or MPP is sponsoring.

One feature they have that I quite like and I've not seen anywhere else is these keywords. They assign keywords to each petition, so you can just search by keyword. If you're, say, really anti-pipeline, you'll click "pipeline" and you'll see all the petitions that come up that have something to do with pipelines.

**Ms. Soo Wong:** So there's a subject area?

**Ms. Joanne McNair:** Yes. I thought that was a nice idea.

You will also be able to subscribe to any petition you're interested in through an RSS subscription, to get notified of it as it moves through different stages—what's happening with it.

That's for the signing.

Okay, so now you're the MPP who gets—no, this is the signing. Once you've clicked on one that you want to sign, this is what it looks like. This is the information that they ask from you. I'm sorry, I did miss that one piece of information; they do ask for a phone number. So first name, last name, email, phone. For address, they just ask if you're in Canada or elsewhere and what province you're from. They do ask for a postal code as well.

I have to say none of the information about the signatures, the people who sign, none of that appears anywhere on the website—not their names, not anything. All the data provided by people who sign the petitions will be completely destroyed after a given amount of time. They haven't completely decided on what that amount of

time will be, but they are leaning towards at dissolution. So at dissolution, at the end of a Parliament, all data collected regarding people who have signed a petition will be completely destroyed. It will not be archived. The petition will be archived, but not the details from anyone who signed it.

The only personal information that will appear on this petition is the person who started the petition, and it will just be their name. The example they gave here was John Doe from Montreal. That's it. That's the only identifying information that will be publicly viewable. I know security has been a main concern of yours, but that's how they're planning to proceed at the moment.

Again, you fill in your details, you click that you're not a robot, that you're a Canadian citizen and that you agree to their terms. You have the option of being emailed regarding the progress of the petition, if you're interested.

**Ms. Soo Wong:** Can I ask a question about Canadian citizenship? I want to go back to your comment on if they were international students or they were taking a co-op year out of the country. Why is listing whether you're Canadian an important tick-off box?

**Ms. Joanne McNair:** Because the software that they're using blocks foreign IPs. So if you're using a computer in the United States, you wouldn't be able to do any of this; it would be blocked because your IP address would be from outside Canada. By ticking the box, it will somehow override that. I'm not sure of all the technical details.

**Ms. Soo Wong:** Because that could inadvertently prevent Canadians. No other provinces or other countries—I know you're going to talk to us shortly about the UK—ask the individual who is doing the petition your status or citizenship.

**Ms. Joanne McNair:** The UK site does ask, you have to tick "I am a UK resident."

**Ms. Soo Wong:** Interesting.

**Ms. Joanne McNair:** We will look at the UK site after this.

**Ms. Soo Wong:** Okay. Thank you.

**Ms. Joanne McNair:** Once you've signed the petition, you've submitted that signature, you get the standard email. I think anybody who has signed up for anything online, you've received emails like this where they ask you to validate: "You've recently created an account here. Please validate." That's what you get in the mail from them to validate the fact that yes, indeed, I did sign. It's the same with the sponsors at the start for the petition. The five additional email addresses that you provide, they get an email like this saying, "You've been asked to support this petition. Please validate, yes or no."

Now, this is what the MPs see. They have a members' portal. I don't know if we have anything like that for MPPs here, but there's a special section of the website where MPs can log in. You'll log in to your portal and you will see this. This is MP Johnny Appleseed. You'll see the number of pending requests; he's got three requests pending for petitions that people want him to



sponsor. They'll have the list of the petitions that he has already sponsored and the ones that he has declined. He'll log in, he'll see this list of petitions, and then he clicks on the first one to see what that's all about, this petitions E8. It's a petition to create a national day celebrating apples because apples are wonderful. Mr. Appleseed will now have the option of accepting sponsoring this or to decline sponsoring this petition.

He also has the option of saying a few words. If he wants to explain why he doesn't want to sponsor this petition, he can write in a little blurb saying, "I'm sorry, but I really hate apples. They're evil. I prefer oranges, so I'm not going to sponsor your petition." Or if you want to say, "This is a really great initiative. We should have thought of this sooner"—whatever. There's that option to say a few words about the petition and to accept or decline.

1320

If you accept to sponsor the petition, you cannot rescind that decision. Once you say, "Yes, I'm sponsoring this," you're stuck with it.

**Mr. Chris Ballard:** So read it carefully.

**Ms. Joanne McNair:** Yes, read it carefully.

You'll notice at the side there's a deadline to respond. Each petition sponsorship request, the MP has 30 days to decide if they want to sponsor this or not. They will get two notifications to remind them, one after 10 days and one after about 20 days, saying, "You still haven't decided what you're doing about this." When you think about it, this could take a really long time before somebody's petition appears because you contact one MP, they take 30 days and decide, "No, I'm not going to sponsor that." So then you have to go back to the start and pick another MP and send that off. They have another 30 days where they can decide if they're going to—

**Ms. Soo Wong:** It could be six months.

**Ms. Joanne McNair:** It could be six months before your petition gets anywhere, and you have only five goes at this.

**Mr. Chris Ballard:** Chair?

**The Chair (Mr. Monte McNaughton):** Mr. Ballard.

**Mr. Chris Ballard:** A quick question about the support for the e-petition: For example, I would assume that the way theirs is set up is that if an MP doesn't agree to support it after the 30 days, is it deemed that they're not supporting it or is it just neutral?

**Ms. Joanne McNair:** I don't know. I assume if they don't respond—they didn't cover that. I assume that they assume people are going to respond one way or the other.

**Mr. Chris Ballard:** Some people may be just neutral and don't want to say yes or no.

**Ms. Joanne McNair:** Well, I would hope they would say yes or no one way or the other. The only people who will know what you've decided are the person who started the petition and the five original sponsors. They will get an email alerting them to, "Yes. Mr. Appleseed agreed to sponsor your petition," or, "No, he did not." No one else will know.

**The Chair (Mr. Monte McNaughton):** Mrs. McGarry.

**Mrs. Kathryn McGarry:** Question: After the 30 days, does it just drop off and nothing more is to be done and then the petitioner would get the notification that it's not sponsored?

**Ms. Joanne McNair:** I'm not entirely sure. I can follow up with them on that, if they've thought that through or not. But I don't know exactly what happens if an MP does not respond after 30 days.

**Mrs. Kathryn McGarry:** Thank you.

**Ms. Joanne McNair:** So that's what we have from the House of Commons.

There are a couple of things. Before a petition can be certified and tabled in the House, an e-petition will have to get 500 signatures. Paper petitions require only 25 signatures to be certified. I think the 500 is a bit of a mistake. I think they're thinking everything is going to get a bazillion signatures because it's online and really easy to sign. Experience from the UK has shown that almost half of the petitions die off, don't even get five signatures. That's why they set the bar at six signatures just for it to go live.

On most petitions, the number of signatures they're going to get, they'll get within the first 24 to 48 hours. After that, it's literally dead. We can see that on the UK site. When you start scrolling down the petitions they have—the site only went live in July but by the time you get down to the ones that were started right when it went live, they have a handful of signatures and they're just basically dead in the water. They're not going to go anywhere.

The 500, to have that double standard for e-petitions and paper petitions I think is a bit—I sort of understand where they were coming from but I don't really agree with it.

One thing that I did find interesting was they have a policy in Ottawa where if a petition has been certified but not yet tabled in the House, at dissolution, if it still hasn't been tabled, the petition carries over to the next Parliament. But they haven't discussed that in terms of what they're going to do with e-petitions. Will the same policy apply or not?

The people who did the briefing suggest that the committee reconsider that: What are we going to do with e-petitions if one of them has reached over 500 signatures? Do we carry it over? They'll close down the site; they won't allow people to create new petitions or sign any during a dissolution period. But what do we do with the ones that have reached the target? Do we just kill them, or will we be able to carry them over like we would with paper petitions?

Are there any other questions?

**The Chair (Mr. Monte McNaughton):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** Now that it meets all the criteria, what are the next steps? How does it get presented to the House, or what happens after they've done everything online and it meets it?



**Ms. Joanne McNair:** It follows the same path as their paper petition process. It's integrated—

**Mr. Bas Balkissoon:** So one of us will have to get up and read it?

**Ms. Joanne McNair:** Yes.

**Mr. Bas Balkissoon:** It will be the sponsoring person. But what happens if you have more than one sponsoring person?

**Ms. Joanne McNair:** You only get one sponsoring person.

**The Chair (Mr. Monte McNaughton):** Mrs. McGarry, question?

**Mrs. Kathryn McGarry:** Thank you. Has the House of Commons faced any roadblocks or setbacks yet in the process, and do they have any lessons learned that they could share with us?

**Ms. Joanne McNair:** Given that this hasn't gone live yet, it's a bit early to say. It did cost a little bit more than they expected. The first estimate was \$200,000 and it ended up costing \$250,000 because of the technical requirements that the committee wanted. Also, they wanted—

*Interjection.*

**The Chair (Mr. Monte McNaughton):** Sorry, Ms. Wong?

**Ms. Soo Wong:** That's exactly what I was going to ask, Mr. Chair, through you to the staff.

Although it's \$200,000 on paper and now it's gone up to \$250,000, the maintenance of these IT services, how compatible is that IT compared to ours? I know on our subcommittee, we did talk about possibly having this particular staffer from the House of Commons come in to talk to us, because I think we—I certainly have a lot of questions. Cost is always a big issue, I'm sure our colleagues opposite would agree with me, but the ongoing maintenance of this—because you couldn't answer our question about if we didn't respond on time, what does that mean?

I don't know about you. I don't go to everything. Unless that sponsor option, it feeds to my BlackBerry, then I will go in there and check. For me to go in there every week to look for a petition—you know what I'm getting at, right? Because we have busy lives and you have to go to the portal—I'm just looking at the logistics.

I think I would love to see—and this is a question for the Clerks later on, Mr. Chair, just on the table. I'd like to see how compatible this particular system is and what's the status—because I know we have put the witness's name for the House of Commons as part of the witnesses to come before this committee, whether in person or by phone—because I think these questions need to be asked for us to even consider or entertain this particular system.

**The Chair (Mr. Monte McNaughton):** So you'd like to know what the ongoing costs will be—

**Ms. Soo Wong:** Yes. Have they projected that?

**The Chair (Mr. Monte McNaughton):** Yes, we can certainly ask on that, because they'll have an estimate, I'm assuming—

**Ms. Soo Wong:** And Mr. Chair, the software that they use and how compatible it is to our current system. I don't know. Do you guys know?

**The Chair (Mr. Monte McNaughton):** Mr. Ballard, do you have a question?

**Mr. Chris Ballard:** Thanks, Mr. Chair. I was going to go down that same path, and I just wondered about the ongoing operational costs. Maybe it's a little premature, but it would be nice to know if we could buy the code off of them and skin it ourselves to make it look like an Ontario site and save the money from doing it ourselves.

**Ms. Joanne McNair:** The software that the UK built in-house, that is open-source. It's available to anyone and it can be easily modified.

**Mr. Chris Ballard:** Easily modified, yes.

**Ms. Joanne McNair:** Yes. The software that the White House developed in-house, that's also open-source—

**Mr. Chris Ballard:** All PHP stuff.

**Ms. Joanne McNair:** Actually, our iDivision session, I emailed them the links to both of them and they said that they'd maybe set that up and just start playing around with stuff to see what it was like.

I know the White House one is Drupal-based. I'm not sure about the UK House of Commons, what they use, but there's no need for us to build something from scratch if we end up going this way.

**Mr. Chris Ballard:** If I can just follow up, then, I think that what is important to us is: Do you know where their server is located, that hosts this software?

**Ms. Joanne McNair:** No.

**Mr. Chris Ballard:** So who owns it? It's owned by the government—

**Ms. Joanne McNair:** The Parliament, I would assume.

**Mr. Chris Ballard:** We can get into that later.

**The Chair (Mr. Monte McNaughton):** Mr. Clark.

**Mr. Steve Clark:** I think Joanne has done a great report, and I hope that members will take the time to look at the UK site when she goes through it.

I just want to remind the committee that it was Mr. Hillier and I on this committee who suggested that—many of us, in fact, many members of this committee have e-petitions on their websites right now. It wasn't an excessive cost. But what didn't happen was any consensus on legitimizing what many of us are doing right now. I want to put that on the record again.

1330

**The Chair (Mr. Monte McNaughton):** We'll certainly have to deal with that.

Continue.

**Ms. Joanne McNair:** There's just one other issue that they haven't quite worked out, and that's regarding integrating the responses received to paper petitions onto the website. I'm not clear exactly what—part of the issue is translation because, if I'm understanding them correctly, any petition that appears on the e-petition site will be translated. Regardless of what language you submit it in,

it will be translated and appear in both languages on the site.

Paper petitions are not translated, so I'm guessing that means the government responses to them are in the language that the petition was in and not automatically translated. So there's a question of translation and also just a question of how we are going to get those paper petition responses integrated into the site because they want the responses to all petitions to be publicly available.

They haven't launched the site yet; they have it ready to go whenever the new Parliament starts. Obviously, we don't know when that will be, depending on what the outcome of the election is, but they say within a few days of the new Parliament starting, the Speaker will make a statement announcing that the system is ready to go and it will launch.

**The Chair (Mr. Monte McNaughton):** Ms. Wong?

**Ms. Soo Wong:** Thank you, Mr. Chair. I know I've asked this question in the past: the accessibility issue. We have a very diverse community. Forget about diverse community for a minute, we have an aging seniors population. I know a number of our petitions are signed by our aging seniors population. I mean, that navigation—you've got to be pretty on the ball.

I want to hear from the folks from the House of Commons and through your research work, Mr. Chair, for the staff. Have they looked into the challenges for those who have language barriers, seniors and those without computer access? Better yet, those who have computer networks that don't hook up, because we know that some remote areas of Canada don't have Internet. How are they going to be able to communicate and participate in e-petitions?

**The Chair (Mr. Monte McNaughton):** They'll have to continue—

**Ms. Soo Wong:** It's something to be considered for the future.

**The Chair (Mr. Monte McNaughton):** It's a good question on accessibility, for sure.

**Ms. Joanne McNair:** They're not getting rid of paper petitions.

**The Chair (Mr. Monte McNaughton):** No. It's a dual system

**Ms. Soo Wong:** So it's a hybrid.

**Ms. Joanne McNair:** No Parliament that has e-petitions has gotten rid of paper petitions.

**Ms. Soo Wong:** An additional opportunity.

**The Chair (Mr. Monte McNaughton):** We'll continue with the UK petitions now.

**Ms. Joanne McNair:** So now we'll go visit the House of Commons. One thing I will say is the UK House of Commons has a great petition site, but it's not easy to find. There's no obvious link to it.

**Mr. Bas Balkissoon:** Maybe it was done on purpose.

**Ms. Joanne McNair:** Maybe so. Your main landing page when you first go to the UK House of Commons site is this and there is nothing about e-petitions anywhere. I knew where to find it. It's actually under the "get involved" tab, and even there it's not that obvious.

It's down—"have your say." Down here, down here to "petition Parliament." There we go, and even there, you're still not on the petitions website. You're just on how to petition. They have information about e-petitions, paper petitions, which are what they call public petitions and private bill petitions, and over here, finally, we get to the e-petitions website.

This is what their e-petitions website looks like. It's fairly different from the proposed Canadian model. It's very clear, very open. Right at the start you see—

**Mr. Bas Balkissoon:** Oh, I like the first petition.

**Ms. Soo Wong:** I like that one, Diwali.

**Mr. Bas Balkissoon:** We'll have 50 holidays. We'll never work.

**Ms. Joanne McNair:** So you see how many have received a response from government. They get a response from government once they hit 10,000 signatures.

**Mr. Steve Clark:** I like that other column: "one petition was debated in the House of Commons."

**Ms. Joanne McNair:** Yes.

**Mr. Steve Clark:** I like that.

**Ms. Joanne McNair:** It gets debated once it hits—well, potentially debated once it hits 100,000 signatures. "Popular petitions" doesn't mean they had the most signatures. It means the ones that are currently the most active in terms of garnering signatures. Then you can scroll down to the ones that got to 10,000 signatures and the ones that have 100,000 or more signatures.

You can also search. If you want to see what people in your area are signing, you can put in a UK postal code, which I happen to have handy. It shows who the MP is who represents that part of the country and what petitions are the most popular among people who live in that part of the country.

**Mr. Chris Ballard:** They need 500 signatures?

**Ms. Joanne McNair:** For?

**Mr. Chris Ballard:** In order to have their petition move ahead. Sorry, Mr. Chair, I should have gone through you.

**Ms. Joanne McNair:** All petitions, regardless of the number of signatures, will be looked at by the petitions committee.

**Mr. Chris Ballard:** Oh, it's Canada that's 500.

**Ms. Joanne McNair:** To get a response from government, they need 10,000. To get it potentially debated, they get—

**Mr. Chris Ballard:** You need 100,000.

**Ms. Joanne McNair:** —100,000.

If we wanted to start a petition in the UK—see, they don't deal with this "whereas" and whatnot; it's "What do you want us to do?"

**Ms. Soo Wong:** Go right to the nut.

**Ms. Joanne McNair:** Yes. You just type in whatever you want.

**Ms. Soo Wong:** Are there word limits there, too?

**Ms. Joanne McNair:** I think there were, but I forget what it was.

**Mr. Steve Clark:** Their petitions appear to be very short. They're very short petitions.



**Ms. Joanne McNair:** Theirs are very short—very short and to the point. It's almost a Twitter petition.

The examples that they give—for example, “Introduce black history to the primary curriculum.” “Lower the voting age to 16.” Bad examples: “Russia problem on US ruling.” Good petitions say clearly what they want government or Parliament to do.

I'll just randomly type something in. That's my petition to the UK. Then I hit “Continue.” They check to see if there are any petitions like that already up there. No, I came up with an original one, so go, me!

If I wanted to give more background on why I think this is something that the UK should do, that's where I could put it in. Or you could put in URLs to research reports that demonstrate that what Portugal has done is a really good thing. I think the “300” here is that you have a word limit there, 300 words down here, because it's blank; I haven't put anything in. Down here, it's 500 words.

No, I don't want any additional preview. This looks good. Okay.

See, here, you have to be a UK citizen.

**Ms. Soo Wong:** So if you don't click that box, it doesn't go anywhere.

**Ms. Joanne McNair:** Right. Then they ask for your name, email address, location and your postal code. Obviously, I'm not going to fill this in because I don't want to lie to them.

**Mr. Steve Clark:** The one thing I noticed is their petitions say who created them. They list the person's name on the website.

**Ms. Joanne McNair:** Yes. So will the Canadian one.

**Mr. Steve Clark:** Yes, which I was surprised at.

**Ms. Joanne McNair:** Just their name, though. The Canadian one puts the name and city.

That's their petition creation process. You don't need any supporting emails or anything—no, you do. I'm sorry. You will be asked to put in five supporting email addresses, same as the Canadian one.

1340

We'll just randomly look at a petition. This is the one that was actually debated, vote of no confidence on the health minister. It's still open for signing. They're open for six months; it's still open.

**Mr. Bas Balkissoon:** So many people have signed that.

**Mr. Steve Clark:** There are some on here that have 400,000 signatures.

**Ms. Joanne McNair:** Yes. This one was debated—they didn't actually debate a non-confidence motion for the health minister. What they debated was what was upsetting people about what the health minister had done, which was impose new contract conditions on young doctors.

Before it got to that stage, when it hit the 10,000-signature mark, it got a government response which, as you can see, is quite lengthy and detailed. I've seen some of the government responses to petitions here. The government gave a very complex, fairly significant reply to

it. As I've said, this one was debated, so you have the link to go watch the actual debate if you want, or to read the transcript of the debate if you have lots of time on your hands.

This is a newer petition that just started. It's only got 4,000 signatures so far. It has no government reply. Here you see the name of the person who started it, Michael Kenworthy. They give the deadline of when the petition will close, based on when it was opened.

**Mr. Chris Ballard:** So it's up to Michael Kenworthy to get out there and get those 10,000 signatures.

**Ms. Joanne McNair:** It's up to him. He can share this petition by email, Twitter and Facebook. Obviously, he doesn't have enough friends out there yet.

**Mr. Michael Mantha:** So just looking at the petition—it's very weak, as far as giving a directive to the government about what they want to do, just looking at that one.

**Ms. Joanne McNair:** Yes. It's—

**Mr. Michael Mantha:** The directive or the ask, is it not scrutinized before it goes up? Or is it just—

**Ms. Joanne McNair:** It is. You'll see they have—it is scrutinized by a Clerk to make sure it's in order and whatnot.

**Mr. Michael Mantha:** So it goes up, and it's up because it met the criteria, but after it's up, until it gets those initial signatures, is it being reviewed by someone to say, “This has content” or “This is just”—

**Ms. Joanne McNair:** If they judge that it's something that the government could technically act on, it will go up.

I'll show you some of the rejected ones, because they do list all the rejected petitions.

**Mr. Steve Clark:** They're quite interesting.

**Ms. Joanne McNair:** They're fascinating.

**Mr. Steve Clark:** You should read the rejected ones.

**Ms. Joanne McNair:** Yes, they're great.

The Canadian House of Commons: I did ask them about that, and they do not plan to make rejected petitions publically available at all. They will not appear anywhere. I think that's a big mistake, because this is brilliant.

**Mr. Steve Clark:** Did you see that one? “Bring Rayman into Super Smash Bros.”

**Ms. Joanne McNair:** Yes. “Do MPs deserve”—

*Interjections.*

**Ms. Joanne McNair:** They say, “Why was this petition rejected?”

“It's about something that the UK government or Parliament is not responsible for.

“The government and Parliament don't have the power to set MPs' pay. That power was given by Parliament to the Independent Parliamentary Standards Authority ... in 2010, so that after 2012 MPs no longer had” any “control over their own pay.”

Most of them are rejected because they are duplicates. “Stop the Incinerator.” This is something that is the responsibility of the government of Scotland, so the UK



Parliament can't do anything about it. Again, they rejected it.

"Remove cannabis from schedule 1 ... drugs:" Why was this rejected? There's already a petition about it. What they do then is they provide you with the link to the existing petition.

Some of them are so funny because there are petitions to remove David Cameron as Prime Minister, that he should be placed on benefits and sent to Syria and things like that. So they reject them. But there's another petition on a similar topic. There are other petitions that were approved, calling for non-confidence in the Prime Minister, so they link the petitioner to that.

**Mr. Michael Mantha:** But in their process they don't have the requirement for a sponsor.

**Ms. Joanne McNair:** No.

**Mr. Michael Mantha:** So if they would, a lot of those could be eliminated through that process of sponsorship.

**Ms. Joanne McNair:** Yes.

**Mr. Michael Mantha:** Because no sitting member would—well, I don't want to pass judgment on anybody but there are a few—

**Ms. Joanne McNair:** You'd be surprised. I've seen stranger things.

**Mr. Steve Clark:** No, but what it does is, it gets in our mind as a committee how you want the process to be led. Do you want it to be led by the people so that they can put up whatever petition they want, which is really what the UK system has, and then they have a petitions committee and they have a framework to deal with them afterwards versus what we saw with the proposed House of Commons system where it's very formal and it's very regimented. You have to get so many signatures and you have to get so many MPs involved.

It's something for the committee to think about. Do you want something that's citizen-led or do you want something that has more stops to make it more difficult? I think we've seen in both cases—neither of them is accessible from the front splash page. So I would question the intent of making them accessible to the public. You should have them top of mind. You should have them out front when somebody goes to that site.

It's something for us to think about over the next few weeks. What type of system do we want to recommend as a committee: One that's free of—to use a word that Mr. Hillier's used at this committee—"frustration" or do you want to have drop-down menus and 30-day wait periods? Again, I think the committee should put their mind at some point to what type of system they want to recommend.

**Ms. Joanne McNair:** Yes, I concur wholeheartedly that is the main question. The security and privacy issues are key, but those are sort of secondary to the decision: Are we going to move ahead with this? What is the point of engaging in this? Are you trying to build citizen engagement—not talking voter turnout, just engaging with citizens in a more direct manner? Are we happy with the current petitions procedure? Obviously petitions are very public. In theory, paper petitions are public, but it's very

obscure. It's very hard to track them. There's the little moment where you present them in the House, but after that, try and find out what happens to them.

Government responses aren't made publicly available in any way, shape or form. Would the government want its responses to be made public? If you're putting them out there, the whole process has to be open and transparent. People have to know what's happening. They're going to expect that.

You might wonder, "Why would you put all the rejected petitions out there as well?" There was an incident that happened in Scotland this summer where, through a freedom-of-information request—because Scotland does not put the rejected petitions up, and what they discovered was that only a quarter of the petitions being submitted on their e-petitions site were actually going to the petitions committee. Seventy-five per cent of them were being blocked by the Clerks who scrutinized them. They weren't even getting—and the committee itself did not know that was happening. It was only through a freedom-of-information request that this information became public. So that kind of blew up in their faces; a bit of a mini scandal in Scotland over the summer. It's better to put everything out there, I think, and say, "Yes, there are a lot of silly petitions, but this is why they're silly petitions."

**The Chair (Mr. Monte McNaughton):** Ms. Wong?

**Ms. Soo Wong:** I notice in your report here that the UK also has a petitions committee.

**Ms. Joanne McNair:** Yes.

*Interjection.*

**Ms. Soo Wong:** Yes, you and your petitions committee.

How often do they meet and the frequency of the meetings?

**Ms. Joanne McNair:** They meet every Tuesday when the House is sitting. They've had two meetings to date.

**Ms. Soo Wong:** Okay. And it's similarly like that in the House of Commons as well. The petitions committee—so they vet all those e-petitions along with the paper petitions?

**Ms. Joanne McNair:** Yes.

**Ms. Soo Wong:** The other question is—I asked similarly—I don't see the cost with this particular system. Do you have an idea what it costs?

**Ms. Joanne McNair:** I don't know if I've seen an actual number because essentially they built it on the existing UK government e-petitions site, which doesn't exist anymore. They've just rebranded that one. It's petitions to either government or Parliament, but it's housed and administered by the House of Commons now. The UK government e-petition site was built in-house.

1350

It wasn't that expensive. I think the number at the time was about £80,000 to build it from scratch, something like that. It's open-source software, so it's available for any Legislature to download, play with and customize as they see fit. Their main costs were in the hiring of staff because they had to create a whole new committee for it, so there were committee Clerks and whatnot.



**Ms. Soo Wong:** Who is now responsible for maintenance of the site? Is it the Clerks' department or the IT department?

**Ms. Joanne McNair:** The technical aspect is probably their IT department. The Clerks wouldn't be fiddling around with the software and that.

**Ms. Soo Wong:** Okay.

**Ms. Joanne McNair:** They would just scrutinize the petitions.

**Ms. Soo Wong:** They just look at the content, not the IT stuff?

**Ms. Joanne McNair:** Yes.

**Ms. Soo Wong:** How about the security issue, how are they ensuring—I mean, you said that they had posted the names. The privacy commissioner is okay to list the names?

**Ms. Joanne McNair:** They only post the name of the person who's writing—if you saw, you don't see anywhere who has signed this petition. There's only the name of the person who started it.

**Ms. Soo Wong:** But that could still be a challenge if someone had the same name.

In terms of the compatibility of that software to ours, do you have any knowledge about that piece?

**Ms. Joanne McNair:** It's open-source software. You'd have to talk to our iDivision, Rob Lundeen, I think. I had spoken to him about that and he said he would take a look at it, but it should work on any—I don't know what system they use, but it's just something—

**Ms. Soo Wong:** Okay. Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** Yes. I just want to put on the record—you look at Ms. McNair's report and it was back in February of this year that the Procedure Committee in the UK had their report. The report was E-petitions: A Collaborative System.

You have to think: It was also in February this year that we started talking about e-petitions, and they're at a point where they're ready to implement. I think it's very important, what Ms. McNair is saying, that you need to have something that is readily available and that doesn't have to cost a lot of money.

But I would put you toward one of the recommendations from that procedure committee's report, and I'll quote from page 3 of Ms. McNair's report. It says, "That the committee be able to consider petitions submitted by either means"—meaning either electronically or on paper—"and as appropriate, and at its discretion:

—"correspond with petitioners on their petition;

—"call petitioners for oral evidence;

—"refer a petition to the relevant select committee;

—"seek further information from the government, orally or in writing, on the subject of a petition; and

—"put forward petitions for debate."

This is an extremely robust report that ultimately is leading to House of Commons debates, table debates, referring to standing committees. But again, it goes back to something I said earlier: It's empowering those citizens. How many times have we had a citizen sign a petition that we've entered into the record, and how many times have we actually mailed to them the government's response? This is a very powerful system that does communicate back to the constituent and even goes so far as to have the constituent solicited for further evidence.

Again, I just want to reiterate to the committee that this report in the UK was very substantive and did engage the public in a way that I suggest we've never moved our minds towards.

I like the fact that the table reported in February and we're already seeing petitions online. I can just hope, since we first started talking about this in February, that we could move forward and get something done sooner rather than later.

**The Chair (Mr. Monte McNaughton):** Thank you, Mr. Clark. Are there any other questions for Ms. McNair? Any other questions?

Thank you very much. That was a great presentation today. Thanks.

For the committee's information, we'll be meeting on October 21, 2015, with our two witnesses, Mr. Brian Beamish and Mr. John Roberts, coming forward.

**Mr. Steve Clark:** Chair, can I also just ask that with anything that we decide, I understand that there would have to be standing order changes. So at some point before we start report writing, it would be nice to have at least an oral indication from the government lead about their government House leader's willingness to make some standing order changes to, even on a provisional basis, be able to do e-petitions.

It doesn't have to be dealt with today but I would hope before we start report writing that we would get that indication from the government on, are they prepared to make the changes to implement e-petitions?

**The Chair (Mr. Monte McNaughton):** Great. Thank you for those comments.

Any other business?

This committee is adjourned. Thank you.

*The committee adjourned at 1355.*

## CONTENTS

Wednesday 7 October 2015

Subcommittee report .....	M-139
Petitions .....	M-139

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### **Vice-Chair / Vice-Président**

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mrs. Kathryn McGarry (Cambridge L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



M20N  
XC20  
-L20



Government  
Publication

M-17

M-17

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 21 October 2015

# Journal des débats (Hansard)

Mercredi 21 octobre 2015

Standing Committee on  
the Legislative Assembly

Petitions

Comité permanent de  
l'Assemblée législative

Pétitions



Chair: Monte McNaughton  
Clerk: Trevor Day

Président : Monte McNaughton  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 21 October 2015

Mercredi 21 octobre 2015

*The committee met at 1304 in committee room 1.*

## PETITIONS

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone. Welcome to the Standing Committee on the Legislative Assembly. A gentle reminder that our meetings start at 1 o'clock on Wednesdays. We are—

*Interjections.*

**The Chair (Mr. Monte McNaughton):** It's true. We are a few minutes late.

OFFICE OF THE INFORMATION AND  
PRIVACY COMMISSIONER OF ONTARIO

**The Chair (Mr. Monte McNaughton):** I'd like to welcome our first presenter, Brian Beamish, the commissioner of the Office of the Information and Privacy Commissioner of Ontario. Brian is going to have 30 minutes for presentations, and we'll divvy up the time that's remaining for questions from each party.

**Mr. Brian Beamish:** Good afternoon, everybody. I am Brian Beamish. I'm the Information and Privacy Commissioner for the province. Thank you very much for the invitation to come and participate in your deliberations and discussions around e-petitions. I'm very appreciative of the opportunity.

We have prepared a written submission that we've handed out, but I thought maybe in my comments I would give you an overview and summary of what's in there.

Just as a preface, my office, as you know, is an independent office. We provide an independent overview of government decisions around access to information and privacy. We also have a consultative role, and it's in that role that I'm speaking to you today.

As the title suggests, though, I do wear two hats. I am the information commissioner, where we focus not only on the formal access to a freedom-of-information regime but also larger issues around open government, transparency and accountability. And I'm the privacy commissioner, where we focus in on the privacy rights of the citizens of Ontario. I'll be making comments to you today wearing both of those hats.

First of all, let me start by recognizing the importance of the petition process even as constructed today in paper

form. In my view, public petitions allow the public an opportunity to interact with their government and have a voice in what government is thinking and doing. It helps to engage citizens in the activities of government and contribute to responsive government.

I know that you have, in your deliberations, looked at examples of other jurisdictions that have gone the extra route, from a paper petition process to the e-petition process. I think that's a very valuable step and certainly one that our office supports as moving the petition process into the realities of today.

Let me put my information commissioner's hat on and focus on the positives of e-petitions as they contribute to openness of government.

As I said, the primary activities of my office in terms of access or open government is on the formal freedom-of-information regime. People put in a request for information and, if they don't like the response they get from government, they come to my office. But we really see that formal FOI regime as a small part of a larger effort to open up government, provide citizens with access to information that government is holding, and achieve transparency and accountability through that.

In this regard, an e-petition, in our view, would contribute to public engagement—provide the opportunity for greater public engagement. That's makes it a positive thing. We certainly view an e-petition process as contributing to Ontario's open government efforts. You will know that jurisdictions around the world are moving to a more open government process. As I understand, and as I've tried out the current petition system, an individual really doesn't have a way to find out what petitions might be under way unless they're approached by someone who has a paper petition or, in my case, somebody might approach me at the curling club or what have you. Individuals won't find out what petitions have actually been presented and what responses are from the government unless they check Hansard, which can be a very laborious effort, and dig through that. It puts individuals to a lot of effort to find out what's going on in terms of petitions.

E-petitions I think can address that. People will be able to find out what petitions are under way and make a decision on whether they want to participate in that process. They will also have an opportunity, if that is part of the process that the government needs to respond, to see what the government response is, and that can be

done without having to plow through Hansard or go down to the Clerks' office to find out what petitions have been presented.

In my view, it's going to foster greater participation, but at a minimum it seems to me that it's going to make the process more convenient and more accessible. It will allow citizens to engage with their government in the manner that they're becoming accustomed to, and that is electronically. People are increasingly not wanting to engage in government in a paper process.

1310

Two weeks ago, I was able to renew my licence tag online. It took me 90 seconds. That's the way I want to engage; I don't want to have to go down to the bureau and stand in line for half an hour. That kind of thinking applies to the e-petition process. At a minimum, people are now going to be able to have a more accessible and a more convenient process.

Let me just say a few words about the design. I know you've spent a lot of your deliberations around how this process might be designed. There are, I think, some key questions around the criteria for filing an online petition: What information would be collected from the creator and the signatories of a petition? How do you verify signatures? Is there a threshold for petitions going active and another threshold for petitions requiring a response from the government?

These questions all have some significant impacts in terms of privacy that I will get to, but I think that how the system is designed will also impact its accessibility and usefulness for the public. For example—the examples we've looked at and that you've looked at—there would be a threshold for a petition being active, available for individuals to support, and, in some cases, a second threshold where some kind of government action would be required. That might be simply providing a response; it might be the possibility of a debate in Parliament. In any event, there is a second threshold that would require some positive action. It would seem to me that to encourage citizen participation, that primary threshold, in terms of when it would go active, should be relatively modest. We would support a second threshold that would say, "If you gather a certain number of signatures, then the government is obliged to do something." That may be as simple as a non-binding response, but at least it might provide some meaning to the process for the people who do support a petition.

One of the other issues that I know you've grappled with is: How do you verify the legitimacy of the signatories who are signing? How do you ensure that you have one individual, a real individual, and not somebody who has hacked into the system, who is using an automated program to generate a lot of signatures? You'll see that in our paper we've offered some solutions to that. The one that seems most apparent, the one that you've heard of, is to employ the CAPTCHA method to go a long way towards eliminating the ability of an individual to use an automated program to generate a large number of signatures.

Finally, before I leave this issue of design, it may sound simple, but I think that some thought should be given to things that might seem as mundane as the length of the petition. In my view, you would want to permit a length that is enough to allow people to state their case and say what it is they want government to do. However, I think there can be a danger in making it too long. I've seen some of the petitions on other sites, and I get lost in the "whereases." To me, the shorter, the better, and the quicker the people come to the point, the better. The quicker people come to the point, the more accessible it is for the public in general. I would ask you to give some thought in terms of the length.

Let me turn to the privacy implications of this because my guess is, that's the primary reason why I'm here. I'm really happy, first of all, to see that in your discussion so far, everybody I've seen recognizes that this is going to involve the collection of personal information of the citizens in Ontario, and that that raises issues that need to be grappled with in terms of privacy. I was also pleased to recognize that, although the Legislative Assembly itself is not covered by our formal privacy laws, I think everyone is in agreement that, although, not technically or legally required to put in privacy protections, that's the thing to do. That has to be done. This program cannot be introduced in a way that intrudes inappropriately on the privacy of the citizens of Ontario. I think those are two very good starting points in terms of implementing the program.

We're looking at a system here where, presumably, someone creates the petition, puts it out on offer for people to support, and individuals will make a decision on whether they're going to support that petition or not. The decision to support a petition is going to involve, at some point, the provision of their personal information, just by the design of the program. I think it's important to think about the nature of that information they may be providing and some of the qualities about that. I look at three ways to describe that information: It's potentially very sensitive, it's attractive and it's digital. I think those three qualities will drive some of the protections that are put in place.

I say "sensitive" because not only are individuals presumably providing some information to identify themselves in contact information—it may be a name, it may be an email, it may be their address—but the fact that an individual supports a particular petition may very well tell you about them, and something that's very sensitive about them. It may talk about their political beliefs, religious beliefs, social beliefs, likes and dislikes, and that can be very sensitive information. Protections need to be put in place to recognize that.

I say that it's attractive because I think we can all understand how a list of individuals who support a particular cause plus their email address would be very attractive to political parties, non-governmental organizations, interest groups, commercial enterprises. In many ways, it can act as an easily made list of supporters or potential clients or customers. It potentially is a very



attractive list and therefore there need to be some protections put in place around it, and I will speak to that.

The third quality that I mentioned was that it's digital. We would no longer be in the paper-based world, where what we call practical obscurity protects the information. You would have a list of individuals, the cause they support and contact information for them available in digital form, which would be very useful, very usable, very easy to manipulate—much more than having to go down to the Clerks' office and dig out a paper petition. So those three qualities make the information that's being collected very attractive and very susceptible to profiling individuals and very susceptible for use in terms of delivering political or commercial or other messages. That, to me, sets out the need for a framework around how this information is going to be managed. So let me turn to that.

The first question I look at is what personal information should be collected to start with. To answer that question, I start with the idea that one of the basic tenets of privacy is what we call data minimization. That says that you only collect the information you need to fulfill the purpose that you have at hand. You don't over-collect information. In terms of an e-petition and, say, someone who is supporting an e-petition, you might want to verify their residency somehow, that they're a resident of Ontario, that you have an individual and some way to measure that this is a unique individual and not someone who is signing this petition 100 or 1,000 times.

But keep in mind that the information collected has to be proportionate to what the purpose of the program is here. This e-petition process I would contrast to, say, the referendum to—a recall referendum. Sorry; I got stuck. If you have a process in place where a certain number of signatures can be collected and that will automatically require a vote on whether a member is recalled, that has significant impact. We're not talking about that here. We're talking about potentially at most a non-binding government response. So I think that tempers the type of information that may be required here, and as we review the various systems that are in place or the programs in place, we feel that collecting a name, an email address and a postal code would be sufficient to verify that you have a resident of Ontario and that you've got a real person. We feel that's proportionate to what the goal of this program is.

1320

There may be different considerations in terms of the creator of the petition. That individual is asking other people to support their idea and their concept. I think in that case, it may be fair that their identity be known to people so they know who it is that is putting that request out for their support. I know that in some of the examples that you've seen and that I've seen, the name of the creator is available—not their contact information, but at least, then, people going in and making a decision about whether to support the petition or not know who it is that's originated it.

I think a really important second question is: Who should have access to that information once it's collect-

ed? So let's say you've collected the name and email address and postal code, or full address, of signatories; who should have access to it? I mentioned how this is potentially a very attractive source of information for a wide variety of groups, but it's being collected solely for the purpose of instituting an e-petition process. Because of that, in my view, there should be tight restrictions placed on it so that only those staff who are implementing the e-petition process have access to this information.

I guess I've made an assumption that this would be operated by the Legislative Assembly itself, so I would say that only the administrative or technical staff of the Legislative Assembly responsible for implementing the program should have access to it and it should be strictly off-limits for any other groups, whether that's a political party, third parties, commercial enterprises, special interests groups, what have you. I think this is a key issue that will need to be addressed in order for the e-petition process to be successful.

A third question we looked at was: Having collected the information and put some restrictions on who has access to it, what is it that goes up on the e-petition website?

Again, here is where we get into a world that is different from paper petitions. I understand that an individual could go down to the Clerks' office and have a paper petition pulled, which will have attached to it the people who support it and their name and address, but this is a much different process and we would highly recommend that the only thing that appeared on the website was the petition itself and the number of people supporting it, and that the identity of the people who have supported—the signatories—not appear. I think that's pretty consistent with examples of e-petition processes out there, that the names and the identities of the people who have supported the petition, who have signed on to the petition, are not made public.

Now, again, there may be a different consideration when it comes to the creator of the petition itself. I know that in some examples we've looked at, the creator's name would appear on the website. I think there are good arguments for that as well, but again, I would limit the amount of information about the creator that would appear, certainly not their contact information.

If I can move on to say a few words about safeguards that should be put in place—because the safeguards that are put on this information are really important to preserve the privacy of the individuals who are participating in the program. Privacy is not all about security, but you can't have privacy unless you do have security.

The fact that there will be a database of personal information about individuals requires that measures be put in place to ensure that that information is secure, that it's not being used for improper purposes, that it's safe from unauthorized access, and that it's safe from being hacked into, that there are security measures in place.

You'll see from our paper that we distributed, we're recommending things like encryption, when the informa-



tion is in transit or at rest; clear controls on access to the information; some type of audit logs on who is looking at the information, to ensure that those people who are going in and looking have authority to do it, and that there is a way to check that; and also training—that staff of the Legislative Assembly who are involved in operationalizing the program are well trained in terms of their responsibilities.

I draw some experience here from work that we've done in the hospital sector. Hospitals clearly have a lot of very sensitive personal information. They have the same issue: How do you ensure that that information is safe from intrusion and kept secure? We have spent a lot of time dealing with things like unauthorized access, where people who don't have the right to see that information have gone in and looked at it. So there are lessons to be learned out there in other sectors that have grappled with this issue.

We have looked at another issue around the retention of the personal information: Once it's collected and an individual has signed up, has become a signatory, how long should their information be collected? Again, one of the basic principles of privacy is that you only keep information as long as you need it. Once it's no longer needed, the longer you keep it around, the greater the chance that something bad will happen.

I would encourage you to take a look at that issue and make a determination on how long this information is useful. It would seem to me that it may be useful as long as a petition is open for signature, but once it's closed I question whether that information is necessary to be retained. There may be archival reasons for keeping that information. I'm not an expert in that area, but if it's thought that there is a need to keep signatory information longer than the life of the petition itself, then perhaps there are ways to look at how to reduce the risk of that; for example, not keeping the information in digital format but keeping it in a hard-copy form.

I want to close out by making a couple of final points. One is that whenever an institution is implementing a new program like this, we really encourage them as a best practice to have a very clear and concise privacy policy. I've looked at some of the other examples out there and there's a real mixture in terms of policies that are available. Some are very good in terms of describing to the public what the program is about, what information they will be collecting, and how that information will be used. I think it's really important that people be able to find out very quickly and very easily from the website what the expectation is if they do create a petition or if they sign a petition. It should be very explicit to them what will and will not be made public and how that information will be used. I really encourage the Legislature, if it goes this route, to have a really clear, simple-language, easy-to-find privacy policy that delineates all of these issues. Let people make an informed decision on whether they want to participate.

My final point I wanted to make is that there are a lot of issues to think about, a lot of questions to ask, but

luckily there is a way—I think a good method out there—to ensure that these questions are asked and addressed before you go live and flip the switch on an e-petition program and that is something called a privacy impact assessment. This is a well-recognized risk management tool both within government and in the private sector—a very common best practice when a new program is being introduced, to undergo a privacy impact assessment. It's a way that you can ensure that the right questions have been asked and the right answers are in place, that they're done at the beginning of the program, so that you're not trying to play catch-up when you find problems along the way.

We're lucky in Ontario. The Ontario government, particularly the Ministry of Government and Consumer Services, has an excellent PIA tool. They have very knowledgeable and skilled staff. I think, should the Legislature decide to do a PIA, you would find that they would be really helpful. I can also say, I can offer the services of my offices, to the extent that we can be a resource in undergoing that process before the e-petition process goes live.

Those are my comments. I want to thank you again for the opportunity to speak. I think this is a really good program that can be put in place while respecting the privacy of the citizens who are engaged in it.

**The Chair (Mr. Monte McNaughton):** Excellent.

**Mr. Brian Beamish:** Thank you.

1330

**The Chair (Mr. Monte McNaughton):** Thank you very much, Mr. Beamish. We'll allow 10 minutes of questioning from each party. We'll begin with the official opposition. Mr. Clark.

**Mr. Steve Clark:** Thanks, Mr. Beamish, for coming today. I appreciated receiving your submission and your comments.

Mr. Beamish, the government's been reviewing e-petitions now for some time and I just wondered if, over the last few months, they had ever engaged you prior to coming to today's meeting to give them suggestions on e-petitions policy.

**Mr. Brian Beamish:** This is the first time I've been consulted about e-petitions. I was aware of the issue coming up with the government engagement report that was released prior to the last election. I'm happy to see that they recommended e-petitions, but it's the first time I've been consulted on it.

**Mr. Steve Clark:** The reason I'm asking is, we've been talking about this since February, so I am a bit disappointed that the government hasn't reached out to you before that because I know they've been having their own internal discussions about this.

**Ms. Eleanor McMahon:** He's here now.

**Mr. Chris Ballard:** It's the job of this committee—

**The Chair (Mr. Monte McNaughton):** Order.

**Mr. Steve Clark:** So I can't have 10 minutes for questions?

**The Chair (Mr. Monte McNaughton):** Yes, go ahead, Mr. Clark.



**Mr. Steve Clark:** Thanks, Chair. Right now, the—  
*Interjection.*

**Mr. Steve Clark:** Are you done, Mr. Ballard. Are you done?

**The Chair (Mr. Monte McNaughton):** Order.

Mr. Clark.

**Mr. Steve Clark:** There are a number of members from all three parties that use e-petitions on their websites presently. I see the privacy policy suggestions here starting on page 6 and on page 7, and I guess one of the things that I'd like to suggest is that you send out to all 107 MPPs—106, I guess—those comments about e-petitions.

I know with my own e-petitions—I've had a couple of them and I know the expectation that people have when they sign the e-petition. Many of them expect that I'm going to communicate back to them and use their email addresses to communicate back to them on the response that I receive from the government, or an update on that information. So while I understand your concern and the fact that you've recommended that administrative or IT staff only have the possession of those email addresses, I know the expectation that I get when I have a written petition and I submit that written petition and I get the answer back.

What I said last week at our meeting, and I'll say it again to you today, is that I think, really, we have to decide—and you did touch on it by saying “rationale, objectives and justification”—whether we have a participatory type of process, where people know at the start what they're going to get back from the government and what their alternatives are.

I still think that, regardless of what we decide, whether we decide it's a formal process through the Clerk and only IT people get the email, you're going to have members have e-petitions on their site. I still think you're going to have people that go to free petition websites and sign up, but all of them have an expectation that they're going to get an answer. So I'd be interested to see whether you have a preference. I know that you've looked at the House of Commons system and the UK system—Joanne did an excellent research paper. Do you have any comments off the top of your head?

**Mr. Brian Beamish:** Yes, I have a few. In terms of who should be responsible for the process, my preference would be that it be centralized with the Legislative Assembly. I think to the extent that there are different processes happening out there, the desired consistency is just not going to be there and the greater the likelihood that practices will vary and that some of the practices might not be very good.

I neglected to say it in my comments, but I'm fully supportive of the idea of citizens being able to indicate that they want to get a response back from the government. I have no problem with that at all. It can be as simple as having a toggle switch that somebody says, “Yes, I do want to hear back from you in terms of response.” I think that's quite appropriate.

My preference would be to have a centralized process. I guess at the end of the day, members will do what they

want to do on their own websites. I think the advice I'm giving here is as transferrable to them as it is to a centralized process run by the Legislative Assembly. I hope they would have a privacy policy in place and put limits on what they do with the information and only use it for the purposes of the petition program, and give individuals the option to hear back or not hear back. I think all those safeguards really need to be built into it.

I do think that if it is a centralized process with the assembly, the ability and the resource is to ensure that it's a secure system and proper security safeguards, encryption, audit, training—I think the likelihood is greater there that they have the resources to ensure that gets done properly.

**Mr. Steve Clark:** Okay. I'll let it go around. I may have another question; I know I have time remaining. So I'll let other members—I don't want to monopolize the conversation.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha?

**Mr. Michael Mantha:** One of the questions that keeps coming up is the action that people are going to expect out of the petition. Right now, there really isn't a defined expectation other than an informed MPP would know that he would be getting a response and it would be up to him to transfer that to his constituents.

That action also raises a few eyebrows and concerns, for obvious reasons. One is, what is the validity that you're going to put in behind a petition? What is going to be the ask out of that petition? Really, there are some petitions that might prove to be vexatious in the making. How do you see eliminating some of those petitions?

**Mr. Brian Beamish:** There seem to be some good examples out there of having a screening process put in place. I think everybody understands that there should be criteria for a petition being placed on a website. Some of them are pretty straightforward: It has to be something that's within the jurisdiction of the Legislative Assembly; it can't be defamatory, inflammatory or what have you.

I think you could probably pretty quickly come up with the ground rules for what goes on and what doesn't. Then it's a matter of how you set up a screening process. That could be a committee like this, I suppose. It could be the Clerks' office itself that does that screening. I definitely agree that there should be some screening taking place and there should be some clear criteria.

I believe it's the British Parliament website that is very clear on what the criteria are on what's acceptable and what's not acceptable. It's probably a pretty good guideline there.

**Mr. Michael Mantha:** I just want to go back on a comment my friend brought up in regard to the varying processes. I think that may bring confusion out there in regard to actually getting that action or getting the result.

We have a process that we have in place now. It's used in two ways: first, to get one a response, but also it's a tool that MPs and MPPs utilize in order to have greater engagement with their constituents.

If we were to go to this process, and just to bring it down so that everybody is concise in regard to the



response that they're going to be getting, do you see any confusion? Actually, what we're trying to accomplish here is greater engagement. If people are anticipating getting some type of a response under one format and there's an actual other format there, aren't we creating confusion for our constituents?

**Mr. Brian Beamish:** I suppose it's potential. I've looked at a couple of the MPP websites and how they've operated the petition process. To be honest with you, it's not clear to me how that fits into the formal written petition, whether they gather signatures, print that off and submit that as a written petition, or, if it's not integrated into the official Legislature's petition process at all, it's a way for the MPP to gauge their constituents' views on a particular item without the expectation that it will then go on to become an official legislative petition.

There may be some confusion at that level. People may engage with the MPP thinking that this is the formal Legislature's process for petitions, when in fact it may not be.

**Mr. Michael Mantha:** So if we're bringing validity through an e-petition process where we're going to be expecting an action and actually expecting a response and maybe a result, would it be beneficial going with one process and one process only?

**Mr. Brian Beamish:** Well, I guess my views on the pluses or minuses of a single process would focus more on the privacy side of it.

**Mr. Michael Mantha:** Yes.

**Mr. Brian Beamish:** I see that as a way to manage those issues, to ensure that those issues are managed properly. I think anytime you start to defuse it and have various processes in place, it's easier that—you get inconsistency and you get a process or practices that may not be as good as they should be.

**Mr. Michael Mantha:** Thank you.

1340

**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Mantha. The government now has 10 minutes. Mr. Ballard?

**Mr. Chris Ballard:** I'll jump in. Just wondering if, in your perspective, would e-petitions be subject to freedom-of-information access requests, and if they are, who should have access to that information?

**Mr. Brian Beamish:** I don't think they would be. Well, let me step back. If the process is being operated by the Legislative Assembly, they would not be subject to an FOI request. First of all, the Legislative Assembly is not subject to FOI requests for anything. Now, we can debate whether that's a good thing or a bad thing, but that's the way the law is written. The whole premise here is that other than the signatures—the petitions themselves will be available to the public, so presumably there's not a reason to put in an FOI request.

**Mr. Chris Ballard:** Again, just following up in terms of what information is required—great report, by the way, and it got me thinking, as you were going through there, that premise of only collecting the information you absolutely need, and that petitions aren't binding on

government: So how much information do you need? There has been a lot of talk around the table about the need to verify individuals, and I suppose the fear is that a huge number of people living outside of Ontario could try and sway government policy by having hundreds of thousands of people sign an e-petition. That's a distinct possibility, but probably not terribly—probably won't be happening.

But there are jurisdictions where you sign up to sign e-petitions. So somewhere, there's a significant amount of information to verify, but then you can go in and then use that ID to sign all sorts of petitions. You can develop your own handle, that kind of thing, or the other way that you seem to be suggesting, which is simply first name, last name, email and postal code. You're happy with that. There's other ways to verify where the email comes from, those kinds of—

**Mr. Brian Beamish:** Yes, collecting the IP address to ensure that it's an Ontario IP address.

**Mr. Chris Ballard:** Yes.

**Mr. Brian Beamish:** I guess my fear on that is—I mean, that's definitely a solution. If at the end of the day the committee's concerned about ensuring the identity, going the extra step, that's a legitimate solution. I guess the caution is that, going back to data minimization, you're collecting additional information, which creates additional risks. The more information you collect, the more the consequences are if that information isn't managed properly. That's the caveat I would give you on that.

When I look at the paper process now, and as I understand it, it's not as if the Clerks' office takes a paper petition and starts calling phone numbers or verifying addresses. They take it at face value, right? Somebody gives their postal code and says, "That's an Ontario postal code." I'm assuming that unless there's a reason to think otherwise, they take it at face value, and I guess that was our thinking. We had some debate about whether it should be full address plus postal code, but thinking that at the end of the day the full address really doesn't add anything that the postal code doesn't give you. The postal code, if it's an Ontario postal code, you take it at face value that they're an Ontario citizen.

**Mr. Chris Ballard:** I just wanted to again thank you for this, because it's given me pause for thought in terms of just how much information we have to gather.

**The Chair (Mr. Monte McNaughton):** Ms. McMahon.

**Ms. Eleanor McMahon:** Excellent presentation.

**Mr. Brian Beamish:** Thank you.

**Ms. Eleanor McMahon:** A couple of questions—one of them might be outside your wheelhouse, but I thought, while you were here, if you wouldn't mind. It's Back to the Future Day, so perhaps it's in that spirit.

I'm new here, and my friend was talking about time-lines. I see in the federal Parliament, in the last House, that they started looking at this in January 2014, and in committee in November of that year they were still



looking at the issues, so perhaps we're on a similar timeline.

I know that they grappled with some of the same issues that we are here as well. They talked about things like thresholds of signatures, the nature of a petition and how it would be accepted or not, and then they talked too about the need for a sponsor for that petition. I'm interested in some of these areas in terms of: Do we need a sponsor? Should we have one? Should it be a threshold of 1,000 signatures—which is one of the barometers that they talked about. Do you have any thoughts on that?

**Mr. Brian Beamish:** In terms of sponsorship, I'll be honest, it struck me as something that's been done all along, because that's how the paper petition process was developed. I really don't see the need for that in terms of e-petitions. I think that can be placed in the hands of the citizens, to create and collect the signatures. If they hit a threshold, there's a requirement that it would go up on the website, and then there's a requirement for government action. In terms of sponsorship, I'm not sure how I see that would fit into this. I know the feds were looking at including it, but to me, it's unnecessary. I think the citizens can handle that themselves.

I think there should be a very modest threshold for a petition to be made available to the public to support or not support. I think there should be a threshold that would require some type of government action. I think it should be high enough that it's not five or 10, so that every petition requires a response, but I think it should be modest enough that people have some comfort that there is a meaning to the process.

**Ms. Eleanor McMahon:** A follow-up—do I have time?

**Mr. Brian Beamish:** I'm not sure I have a—I can't sort of pull a number out of the air, but

**Ms. Eleanor McMahon:** No, I just wanted your thoughts on that. That's very helpful.

One more thing—may I? I was just going to ask about the sharing of best practices amongst your colleagues across the country. Of course, because there's been this federal conversation, I wondered if your colleagues across the country, if you're sharing information on this, if it's a topic of discussion or debate amongst you.

**Mr. Brian Beamish:** Surprisingly not. It has not been. I'm not sure—maybe Quebec might be the only province other than one of the territories that has e-petitions. It has surprisingly not been a topic of conversation, which is unfortunate.

**Ms. Eleanor McMahon:** I just wondered if it might be helpful for us to secure some of their information and look at it, in terms of developing our model.

**Mr. Brian Beamish:** I'm not sure that there's anything out there. I believe Quebec and one of the territories have it. I've looked at the territory. It's helpful.

I believe it's Queensland that has a petition process. I thought their model was very helpful. I think the British Parliament has a very good system, as well.

**Ms. Eleanor McMahon:** Mr. Chair, I wonder if I could ask research to help us secure some information on

both of those, if that would be okay, to help guide our conversation. Would that be all right?

**Ms. Joanne McNair:** You've been given—

**Ms. Eleanor McMahon:** The Queensland model and the British parliamentary model?

**Ms. Joanne McNair:** In the very first report.

**Ms. Eleanor McMahon:** My mistake, forgive me. I must have missed it. Thank you.

**The Chair (Mr. Monte McNaughton):** Ms. Wong?

**Ms. Soo Wong:** Thank you for your presentation. I'm just going to go back to your—I believe on the bottom of page 6, you talk about the retention of the personal information gathered, but you didn't give us the timeline, how long to keep this information. What is considered best practice? And should committees or members wish to have this information—I know the speaker after you will talk about archiving this file. What would you suggest if we have e-petitions going forward? How long do we retain this?

**Mr. Brian Beamish:** I would draw a distinction between the petition itself and the people who have signed the petition, because I think those are two very different questions. The petition itself could be kept forever. It may only be available for signature for a certain length of time, but there is no reason why that petition can't be kept around or archived or made available.

I draw a distinction, though, with the information about people who have signed up. I think their information should only be kept for as long as required. It would seem to me, if the system is designed so that a petition is on a website, available for signature for a certain length of time and then closed, at that point, I'm not sure there's a reason to keep the names and email addresses of the people who have signed the petition any longer.

**Ms. Soo Wong:** The other thing that you've identified for us is the training and the administration of the e-petition, targeting specifically IT staff. I want to push that envelope a bit more, because the training of this piece is critical, and the consequences of not properly training are also a concern for me. Much of this stuff is administrative. So my question to you is, how do we ensure that these files are protected, because you've seen the breach of information regularly—

**The Chair (Mr. Monte McNaughton):** Ms. Wong, you have about 30 seconds.

**Ms. Soo Wong:** Okay. I just want to say: How do you protect the piece about the training for staff?

**Mr. Brian Beamish:** Security and securing the information would have both technical solutions and what I would call administrative solutions. Things like encrypting the data while it's in transit—a person is signing up and providing their information: That's encrypted, and it's encrypted while it's sitting on a website or in a database.

1350

Then there are administrative solutions: being really clear with staff about what the rules are, who can have access to that information and who cannot have access to that information. They know that access will be audited and that there will be consequences if they have broken those rules.



I've mentioned the hospital sector as an example. The need for training there really underlines this, that it's not just when somebody comes in and gets their orientation at the start of the job, they get trained once and then go for 10 years. It has to be regular and it has to be consistent. People have to be continually reminded about what their obligations are.

**The Chair (Mr. Monte McNaughton):** Thank you, Mr. Beamish. We'll go back to the official opposition. You have just over four minutes.

**Mr. Steve Clark:** Mr. Beamish, I agree with your conclusion that e-petitions do have the potential to improve the quality and level of engagement of Ontarians. It's really the media they use today, and I think that's—the feedback that I've gotten from a number of folks who have gone ahead on their own, set up their own e-petition, gotten 35,000 signatures and then were shocked when I had to print them out and get one person to sign it to table it in the Legislature for them to get an answer. So I think your comment about action is probably the key thing that this committee has to deal with when it starts report-writing in November: What type of action do we want out of this policy?

Just above your conclusion, you talk about the privacy impact statement, or PIA. I'm just wondering, how long do you think a PIA on e-petitions would take this committee? Would it be a month? Would it be two months? What would you think would be reasonable?

**Mr. Brian Beamish:** If this committee recommended that a PIA be done and that that task be given over to the public service, to the Ministry of Government and Consumer Services, which would be the logical route, I don't think it would be a lengthy task. I know you're going to have Mr. Roberts up next after me, who could probably give you a more definitive answer. Maybe I'm being naïve; I see this as a fairly relatively straightforward process. The issues are clear and it's a matter of finding what the right solutions are. I would assume it could be done within a month or a couple of months. But as I say, Mr. Roberts is up and maybe will help you.

**Mr. Steve Clark:** I look forward to Mr. Roberts finishing that answer when he—

**Mr. Brian Beamish:** And I would like to emphasize that, again, my office would be happy to be a resource on that, which may help speed the process up.

**Mr. Steve Clark:** That's all.

**The Chair (Mr. Monte McNaughton):** No further questions from the official opposition—

**Mr. Brian Beamish:** Now that I've set the standard for Mr. Roberts, I can—

**The Chair (Mr. Monte McNaughton):** Well, Mr. Beamish, on behalf of our committee, thank you very much. That was a great presentation.

**Mr. Brian Beamish:** Thank you very much.

OFFICE OF THE CHIEF PRIVACY OFFICER  
AND ARCHIVIST OF ONTARIO

**The Chair (Mr. Monte McNaughton):** Next we'll hear from John Roberts, the Chief Privacy Officer. Mr.

Roberts, you'll have 30 minutes for your presentation, and then each party will have 10 minutes to ask questions after. Thank you.

**Mr. John Roberts:** Thank you very much. First of all, I would very much like to thank the committee for the opportunity to provide some remarks this afternoon, wearing both my hats as Archivist of Ontario and Chief Privacy Officer. The issues that you're considering have implications across both the information management, privacy and archival aspects of my division's work.

It's great to see the deep thought that's going into those aspects through the committee's deliberations. In reviewing your transcripts of the hearings over the past few months, I was struck by the range of perspectives that have been brought to bear and the thoughtful consideration and deliberations that have been going on, and the range of resources that you've already considered.

I know that you have looked deeply and widely into the subject, so the remarks I bring today will probably not cover a lot of new ground for you, and indeed will echo much of what Commissioner Beamish has just presented. In part, I think that's a reflection of the fact that privacy practice is now an increasingly mature discipline, with good practices fairly well established and at times quite well structured in methodologies, like the PIA, the privacy impact assessment piece that was mentioned previously.

I'm delighted to bring my perspectives to bear and to reiterate the importance of giving really significant consideration to privacy issues. From a public service perspective, we now have a meaningful, good consideration of privacy issues in terms of maintaining public trust and confidence in the workings of any organization. So I commend the fact that you're taking the information management and privacy considerations of a shift from paper petitions to e-petitions very seriously. Certainly, for me, with Chief Privacy Officer in my job title, it's incredibly heartening to be providing some evidence to a group who are very much already on board in taking the issues seriously.

Perhaps the key messages that I'd like to leave you with right up front: Firstly, when looking at the best way to deal with privacy concerns, it's important not to simply automate an existing process but to actually reflect on what the requirements are for the process to work effectively in a digital environment. That's both around managing the risks as well as optimizing the benefits that can be gained. Again, there are clearly huge benefits in terms of openness engagement from moving to an e-petitions environment.

Secondly, I'd like to emphasize that, in developing a privacy-protected solution, it's not just about the technical solutions or the application or the website interface; it's very much around what I would consider the privacy ecosystem that's at play. That's around the culture, it's around the training, it's around the processes as well as the technical solutions that are in place. So I'd urge you to think widely about the mechanisms and interventions that are available to build a strong privacy solution.



Finally, I'd like to also note that there are methodologies, as I said, to complement the evidence that you're hearing from multiple witnesses. I would certainly endorse Commissioner Beamish's recommendations to go through a privacy impact assessment statement, and would certainly offer the support from my division to work with the committee or with the Clerks to help you through that as a systematic approach to understanding what the real and potential privacy risks are and developing mitigation strategies to deal with those.

By way of background, I am, as you can tell from my accent, not a native Ontarian. I'm just a month into my job as Chief Privacy Officer and Archivist of Ontario, coming from a role in New Zealand where I was working with the national archives of New Zealand for around 20 years, and more recently alongside the Government Chief Privacy Officer in New Zealand and dealing with many issues of service transformation and the digitalization of services. I'd like to bring a few of my reflections as well as the experiences that we have in the information, privacy and archives division. As I mentioned earlier, you will find that many of my remarks echo the comments that Commissioner Beamish made just previously.

I would note that privacy principles are generally technology-independent. The principles of maintaining privacy, of informed consent, minimizing the amount of information to be collected, maintaining it only for as long as it's needed—those are principles that are valid whatever format is being used for the conduct of business.

It's also worth noting that there are some very real changes that occur when shifting from a paper environment to digital. One of the key changes is the loss of what's called "practical obscurity," a phrase that Mr. Beamish mentioned previously. In paper, a process can be open, but require someone to actually come to the Legislative Assembly buildings and inspect documents that are public. In a world of Google search, if those documents are equally public, then a simple search on a Blackberry or on a phone can sometimes reveal information to the prurient searcher rather than to the person with genuine interest in locating information.

Equally, the risks associated with inadvertent release or sharing are that much greater. Taking a potentially very large submission and inadvertently stuffing it into an envelope and sending it to the media are almost null. The risks of inadvertently sending a very large digital file as an attachment are that much greater because of the ease of transmission. The very characteristics that make digital information so simple and effective to use—the ease of copying, the ease of distribution, the ease of publication—are those that give rise to the greater risks. So, while the processes may be similar, there is a need to consider where those risks or the impact of a breach may be that much greater.

In my role as Chief Privacy Officer and Archivist, I lead the division that supports the Minister of Government and Consumer Services in carrying out his duty, but also supporting the broader public sector and the Ontario

public service around many of the issues that you're considering: developing policy advice, training, building communities of practice, supporting the regulatory environment that operates within government, and advising the OPS around privacy issues.

1400

I'm very mindful of the fact that the Legislative Assembly is not subject to the Freedom of Information and Protection of Privacy Act or to the Archives and Recordkeeping Act, so I'm very cognizant that I offer my comments today purely in an advisory capacity. Hopefully there will be something from the observations and the experiences that we've had within government that is of value.

I'm also appointed by order in council as Archivist of Ontario. I know there was some interest in some of the records retention questions earlier, so I will offer a few remarks just about how records retention can be thought about and the implications and approaches to managing e-petitions and their relationship to the provincial documentary heritage record. Clearly, there's a trade-off around managing historical resources but also protecting privacy. Part of the role of my division is to help those trade-offs be made effectively.

It's critical that we are very careful and prudent in terms of managing public information. It's clear that there's also a huge upside that can be gained. From listening to your comments early this afternoon, I don't need to reiterate the point that there are genuine benefits to be obtained in terms of the relevance, the accessibility and the openness of the process through allowing e-petitions. It is the channel through which people engage in their day-to-day lives with business and with government. Many, no doubt, would like to engage through those same channels with the Legislative Assembly. I won't emphasize that point any longer. Suffice it to say, there are clear upsides to a shift of technology, but as I've mentioned, there are also risks that need to be managed.

Personal information is intrinsic to most interactions. The process that you have for petitioning clearly does create and capture personal information: names, addresses, and, at present, signatures. The question is not whether personal information should be collected or whether there are privacy issues; it's how much, how it's created, how it's captured, and how to manage those issues.

The process that we use, as has been mentioned, within the OPS for working through, in a methodical way, the risks and issues is what's called a privacy impact assessment. So whenever there is a change in a program or a change in a process that leads to changes in the way information is collected, used, disclosed or created within government, there's an obligation to go through that process. As I mentioned, I respect that that obligation does not apply to the Legislative Assembly, but I would strongly urge you to consider taking that approach, which does reflect international best practice as providing a methodical way of working through a



range of issues, and probably corraling the evidence and the issues that you've been debating and discussing with various witnesses over the past months.

It is an analytical process involving a set of activities and a set of deliverables; it's not a single document. It's designed to help identify, address and document the issues, quantify the level of risk associated with them, and understand the mitigations that could be put in place to address those—so, really, to help with the detailed design choices that any program will need to go through as it gets closer to an implementation phase.

Ideally, that sort of process should be undertaken as early as possible in the life cycle of an initiative, once there's a broad sense of what's going on, but ahead of too many decisions having been taken around the actual design solutions—because it is a good mechanism for flushing out different ways of resolving questions rather than leaping to conclusions.

My division does have a range of guidance available. As I said, I'd be more than happy for my staff to work through with the committee, or the committee Clerks, the details of that.

There was an outstanding question around how long that process might take. My view is that it would be probably eight to 10 weeks for an initiative of this sort, given what I've seen in the transcripts and my understanding of the process. As Commissioner Beamish said, it's not an unduly lengthy process but one that does give an opportunity to work through and make some decisions around how to manage trade-offs about accessibility versus protection and the like.

Another process that I would like to mention and suggest be undertaken is called a threat risk assessment. This relates to the interplay between security and privacy issues. In many cases, privacy breaches occur where a system is hacked or where there is an attack on it. That represents not necessarily bad privacy practice, but shortcomings in the security of the environment and the application. A process known as a threat risk assessment provides a complementary mechanism of looking at what the security arrangement should be in an online environment. Again, there is guidance available from OPS colleagues around how that would work. We can help you understand not just the privacy practices, but how to build an environment that would be secure in maintaining those practices over time.

In providing some further comments on privacy issues, I'd like to look at four broad processes: collection; disclosure and use; management and protection; and retention. Because when we think about the information life cycle through a business process like petitions, those, to my mind, are the four key areas that deserve a level of consideration.

If I can talk firstly to the idea of collection—again, Commissioner Beamish mentioned a number of times the principles of minimizing the amount of information that is collected. As I commented earlier, I'd urge the committee not to simply replicate in your e-petition process all the data, all the attributes that are being currently collected in paper form. Having looked at your previous

deliberations, I know that you're very mindful of the fact that changing technology platforms means different information is probably necessary. That's not only around minimizing the privacy risk by minimizing the amount of information, but also there's a key privacy principle around informed consent.

It's important to enable people who are participating in a process and providing their personal details to understand what will be done with those and how they will be managed. One of the phrases that's used in privacy practice is called "notice of collection," a statement that will advise very explicitly people who are providing personal information, what will happen to it; who will have access to it; under what conditions it may be disclosed; who will be able to search it; the length of time for which it would be retained and the like. Again, that sort of approach helps build public confidence in the process by making it very explicit what is going to be done with the information they are providing. It helps build that confidence in providing the information.

It's critical to think when collecting information of what the actual purpose is for which it is being collected: Why do you need address information, and which details will suffice for that? Again, I'm reiterating Commissioner Beamish's words: If the intent is to validate that someone is a resident within the province, what's necessary to achieve that? Is it simply an assertion by the individual that they are a resident, or is it further details such as a valid postal code, a full address—what level of information is required? The underlying principle being, collect only that information that is necessary for the purpose. The privacy impact assessment is to help people think: What is actually the purpose, rather than making assumptions about the intent.

If you do go down that notice of collection path: clear, plain English language is critical to make people comfortable with it; the intent being to develop trust and confidence. A process that says, "We're going to collect information," but then obscures what will actually be done with it through legalistic jargon is unlikely to achieve the intent. My staff can help with examples of good practice around what notices of collection would look like.

There are also technical considerations such as email addresses, IP addresses and the like. Again, I won't repeat what Commissioner Beamish has said, but there are, as well as the data that can be provided by individuals, data fields that can be collected automatically through the interaction online. It is important to think about those as well as the data provided, and to be very visible and explicit about what information is being captured in a machine-based way from the interaction and making that known, too, and ensuring that that is properly managed in the overall solution.

1410

The second core area I'd like to talk about is disclosure and use of information. It's one thing to collect the necessary data, but to whom will it be available, how and when? Again, the digital environment offers an opportunity to decouple which information is presented



to whom in some quite significant ways. A paper petition has everything largely locked in because of the technology, because of the constraints of paper. In a digital form, it is very easy to manipulate it, to redact it so that certain participants only get access to certain fields of information, whether that be through what's available to search online or to various participants who need to administer the process. So there's an opportunity there, through deliberate, considered design, to make sure that not only is the information that's collected at a minimum but only a subset of that might be presented to individual actors or agents through the process, again to minimize the privacy risk of misuse.

What's available online for people to search is clearly a key consideration. I think that lens of practical obscurity is a very valuable one to use in the sense that information may be a necessary part of the process for transparency of the petitioning mechanism, but that doesn't mean it all needs to be available for search online.

Equally, where information should be made available to ensure that legitimate public interest in the accountability is served, how can that be made well and easily available in line with some of the thinking of open government and open information—not just publishing but publishing this information in a way that can be reused by others through the formats that are chosen, through the way that the Web interfaces are designed to enable the legitimate purposes to be easily and efficiently served, to enable the formal Legislative Assembly Web presence to be reused and interoperate with other online initiatives as part of the overall Web world.

The more available information is, of course, the greater the risk of identity theft or fraud or misuse. So with most of these privacy issues, it's not that there is a right way and a wrong way. There's a balance to be struck between visibility, accountability and transparency and protection, security and privacy. Processes that are very tightly controlled and restrained may be difficult for the public to access and effectively undermine the intent of opening up an online channel. They may make it difficult for others to scrutinize the process or to see what's happening and get involved. So a balance needs to be struck at all times between the intent of open, visible, accessible government and secure, protected, privacy-aware government.

The underlying principle in terms of disclosure and use in the Ontario public service and under FIPPA is that information should only be disclosed to support the purpose for which it was originally created. In that sense, I'd urge the committee to take a relatively broad interpretation of that so that the purpose is not simply to adjudicate on a particular petition but also to manage the integrity of the petition process and the confidence in government as a responsible organization over time. But it's a good lens to think what information should be made available, to whom and how—in practical terms, the sorts of approaches that lead to those that you've been discussing, that an online portal may only disclose the name of the original petitioner, potentially the sponsor, rather

than all the signatories, to protect their privacy. So there is a range of mechanisms available there.

From the earlier questions, I did hear some interest in the issues of retention and how long information might be kept. The general principle here again is to collect and retain information for as long as it's necessary for the purposes for which it was originally collected. But again, I would urge the committee to consider that in a broad sense, that it's not simply to retain the information until the particular petition has had a response but to think about the integrity and transparency of that process over time.

Early disposal by destruction of information is a practice that I've seen recommended in a number of the regimes that you've been looking at. Clearly, that is a very strong way of protecting privacy, by destroying the information to prevent any further potential for misuse, breach or leakage.

If I can put my Archivist of Ontario hat on just for a moment, I'd also note that petitions to Parliament are, in a way, a key part of the record of society's interaction with policy-making and legislation-making at the highest level. The Archives of Ontario are certainly very used to maintaining, with high levels of protection of privacy, records of government over time so that they can serve as part of the documentary heritage of the province.

Now, I haven't formed any particular view on whether the full, detailed petitions should be kept in the long term/medium term. I do note that from my previous life in New Zealand, some petitions with personal information around signatories have formed really valuable historical resources. The prime example from New Zealand was the petition for women's suffrage. New Zealand was the first country in the world to grant women's suffrage, and now it is a great source of pride for people to find their ancestors as signatories to that petition. I bring that just as an example of how the rich personal information included in detailed petitions can, at times, also serve a documentary heritage and a national or provincial identity purpose, as well as the narrower administrative governance process.

At this point, I'd simply urge the committee to make a considered recommendation around that issue and to recognize that there are many ways of skinning a cat, if you like, around the protection of privacy long term. My institution would certainly welcome ongoing discussion around what the right approach would be in that area.

A final area of issue I'd just like to talk about is the management and protection of the information. So having collected it, it's critical that that data is stored in a way that will manage the privacy and avoid undue risk to its disclosure or misuse.

That takes us to two areas: Firstly is the question of security, as I mentioned previously, with the mechanisms around threat risk assessment. A well-designed system can still cause great privacy harm if it is subject to security breaches or to hacking from outside. So a robust security consideration is one of the ways of managing that. Again in technical terms, that goes to things like



data encryption, the level of password protection, access to the system and the like.

The second area, in my view, that's equally critical is that broader ecosystem within which the system is operated, questions of culture, training and behaviour. Different people need to be involved in administering a technology-based system than a paper-based system—IT administrators and the like, potentially even outsource providers. So it's important there to maintain the integrity of the overall system to look at the right level of policies, the right level of training, the culture that need to be installed, and people who may be new to handling of this information, to make sure that they respect the sensitivity of the data that the public have entrusted to you and are able and aware of the challenges in managing it—so not simply a technical approach, nor indeed even a policy approach.

The IPC, I know, has a resource with the wonderful title, *A Policy Is Not Enough: It Must Be Reflected in Concrete Practices*. So issues of training, privacy awareness and privacy maturity are a key part of that, as well as practices around the response, should there be a privacy breach. The best system in the world is still going to have some risks that it could be hacked or that people could act negligently or just in error. Human error is one of the biggest grounds for privacy breaches. Organizations are often judged not by the fact that something went wrong but by their response.

Again, as part of building an overall approach to a privacy-smart e-petitions process, I'd urge you to look at the remedies and the response mechanisms should something go wrong, should information be inadvertently misused.

1420

That importance of training awareness maturity would need to be applied to all actors in the system. Beyond those who currently have a role to play in respect of petitions, as I said, when a process is automated, when it's put into a technology environment, there are a number of other parties who necessarily have a part to play, typically the more technology or system administrator-type roles.

In order to do their job, in order to keep the system running, performing, they need access at some level to the data. There are protections that can be put in place around encryption, but there are new risks that come into play as new actors get involved in the ecosystem.

Just in closing, I don't think I've really brought much new to the table for you, but you've been looking at this issue for some time and may try many different perspectives to bear. The ground is reasonably well trodden in terms of automation of a business process. There are some standard mature practices to apply. I think there are huge benefits to be gained from putting in place a petitions process that is more accessible to everyday Ontarians, but the risks that go with that do need to be managed.

I'd like to again offer the support of my division as you work through the details, and thank you for the opportunity just to provide these comments this afternoon.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much, Mr. Roberts. We'll begin with the third party and Mr. Mantha, if he has any questions.

**Mr. Michael Mantha:** Thank you, Mr. Roberts. I do have to say that your presentation was very detailed. As you made your presentation, you were answering several of my questions, so you did a great job. As you were going, I crossed off the two. Anyway, thank you for your presentation.

The one question I do have is more of a hypothetical question, particularly with your background and your field. I want to go back to a question that my friend Mr. Clark asked. The scope of a privacy impact assessment on this process is eight to 10 weeks. Within those eight to 10 weeks, hypothetically, what could cause an extensive delay in making that assessment? Everything is going fine; everything looks good. But what would a delay look like? What could that possibly be?

**Mr. John Roberts:** What could cause a delay in that process? A significant information gap around a key input; for example, if there were no sense of Ontarians' desires or sensitivities in the space.

As I said, these processes are largely around balancing multiple interests, so if there is no input around one of those key stakeholder interests, it could mean that some additional research would be needed in order to balance the factors.

My sense, from what I've read of the committee's deliberations and from the various other jurisdictional reports, is that those factors are relatively well understood. So I think it's unlikely, but it's difficult to make any kind of trade-off decision or risk management decision in the absence of solid information.

**Mr. Michael Mantha:** Okay. Let me throw this at you: Could one of those delays within the impact assessment—because we've seen—at least, I'm hearing that there's a different view in regard to the result that we want to see at the end of an e-petition—the goal, the objective, an action. Could that be a substantial delay in moving the impact assessment forward?

**Mr. John Roberts:** If there is no clarity about what the subject of the impact assessment actually is, then yes. If there are wildly different views as to what the nature of the process would be—what an e-petitions model would look like—that could make it a lot harder to operate, because the scope is indeterminate.

**Mr. Michael Mantha:** Yes. I'll pass it on.

**The Chair (Mr. Monte McNaughton):** Okay. Thanks, Mr. Mantha. Mr. Ballard?

**Mr. Chris Ballard:** First, I had a question on process, Chair. We have our table research clerk, who I imagine will be coming back with a draft report. I've heard both gentlemen today say that they would have lots of information for us. That's not the process? I'm seeing some heads shaking.

**Mr. Steve Clark:** No.

**Mr. Chris Ballard:** How does the process come back, then?



**Mr. Steve Clark:** At the end of today, after we're done, I'm going to ask the question: Is the government going to table a discussion document?

**Mr. Chris Ballard:** Okay, perfect.

**Mr. Steve Clark:** Or are we expected to develop the framework by consensus?

**Mr. Chris Ballard:** Okay, that was where I was going.

**Mr. Steve Clark:** That's the question I'm going to ask the government.

**The Chair (Mr. Monte McNaughton):** Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much. I have the same issue. I had six questions here that I was going to ask you, and as you spoke, I was able to check them all off. I really appreciated the depth of knowledge you're bringing in.

I have some sense of how the archives store and treat paper documents. How would you be treating electronic records for the future? Can you just walk me through a scenario: How might electronic records, electronic petitions, be kept for future access? I'm back and forth in terms of how much information we attach to it.

You raised the historical concept for researchers, which I think is probably now a little more important. I guess you were thinking more of the archivist, when you were talking like that, than I was thinking privacy: Don't leave too much information attached. Can you walk me through how you would see electronic documents being stored?

**Mr. John Roberts:** There's a huge body of literature on the practice of electronic archiving, obviously, which speaks to things like the integrity of the document. Digital forensics and those disciplines have brought a lot in terms of ensuring that a document is unaltered over time. There are technical mechanisms for making sure that documents remain unchanged over time. They are put into a secure environment where there is controlled access in terms of who can access them.

From a long-term preservation perspective, understanding the data and the document formats is critical to understanding when they might become obsolete and ensuring that there are then highly trustworthy migrations in place.

Paper has the advantage of being very stable. You can go back to petitions from the last century and read them and understand what's going on. I think we've all got experience of looking back at digital information from even 10, 20 years ago and getting that "unable to open document" message. So a more active regime is required, from a preservation perspective.

The protections can be largely reflective of the protections that were put in place during the active management of the records—security; access permissions. You'll all be familiar with document management and online environments where there are quite complex and strong permissions regimes that allow only certain individuals to access certain documents and files—those kinds of techniques, applied within an electronic archive, to maintain the trustworthiness and avoid misuse of information that is stored.

Accessibility is another challenge with digital archives in terms of just how they then get surfaced and used by the public.

**Mr. Chris Ballard:** Can you even offer up a ballpark figure, from a retention perspective, about what this might cost?

**Mr. John Roberts:** From a retention perspective, the petitions would just be one strand of documenting the digital heritage of the province. I would caution against any bespoke or particular retention solution for e-petitions and treat it as one set of documents that have long-term value that need to be managed, as do many public digital records that are currently being created. I would say that it's not a material new cost. It's just another part of the province's documentary heritage in digital form.

**Mr. Chris Ballard:** Okay, very good. Thank you.

**The Chair (Mr. Monte McNaughton):** Ms. Wong?

**Ms. Soo Wong:** Thank you for your presentation here today. I'm going to go back to Mr. Ballard's question to you.

I want to know, because this is electronic, do we have the correct mechanism in terms of software and the ability to do the archives that you're asking us to consider?

**Mr. John Roberts:** At the moment, we have some limited capacity, and we're working with the federal government on robust, industrial-strength solutions. Globally, digital archive solutions are still in their relative infancy. Ontario is no better or worse than almost every other jurisdiction that I'm aware of. It does have capacity for managing digital information. It probably doesn't have a 20-year solution yet in place.

1430

**Ms. Soo Wong:** So to bring that to the industrial one that you're suggesting to the committee, how much would that cost?

**Mr. John Roberts:** That's a matter that we are partnering with the federal government on. I haven't yet seen a business case or a sense of where the funding streams are. That's something that is high on my to-do list, arriving in Canada. Systems, internationally, vary in cost, depending on the risk appetite of the individual organizations.

Basic digital archiving capability, which relies more on the competence of the individuals in leveraging enterprise IT capability from within government, is relatively cheap. They're essentially leveraging secure file storage environments that are already in play. Dedicated digital preservation environments can cost in the low millions of dollars. But what's right for Ontario is still—

**The Chair (Mr. Monte McNaughton):** Ms. Wong, you have just over three minutes.

**Ms. Soo Wong:** That's it. I'm done.

**The Chair (Mr. Monte McNaughton):** Okay. Any other questions from the government side? We'll move to the official opposition. Mr. Clark.

**Mr. Steve Clark:** Thanks, Mr. Roberts, for your presentation.

I guess one of the things that I wanted to put forward—we should mention the PIA, the privacy impact



assessment, would take about eight to 10 weeks. Mr. Beamish talked about the Ministry of Government and Consumer Services having a document. I wondered, between you or Mr. Beamish, whether the committee could have that document tabled with us so we could get an idea of the tool that's available right now.

**Mr. John Roberts:** We can provide that shortly after—

**Mr. Steve Clark:** That's great. If you could provide it to us, that would be great.

**Mr. John Roberts:** —there's a guide from Mr. Beamish's office and some further material from my division.

**Mr. Steve Clark:** So we develop a framework, I assume, at the committee level. We go through the PIA assessment. Then you recommend we'd go through a threat risk assessment after that?

**Mr. John Roberts:** That could be done in parallel with the privacy risk assessment. That's understanding the threat environment from a security perspective. As I said, privacy and security don't go hand in hand in terms of the actual risk involved.

**Mr. Steve Clark:** And both you and Mr. Beamish—both your offices could provide resources for that threat risk assessment?

**Mr. John Roberts:** It's a different branch within the OPS that has the detail there. I know there is plenty of guidance available and I'm happy to work with the committee to help access the right insights to go through that process as well.

**Mr. Steve Clark:** But just to be clear, you don't perceive that that threat risk assessment would delay the process? We could do it in parallel over that eight-to-10-week period after we develop the framework.

**Mr. John Roberts:** I believe it could be done in parallel. Yes. That's my view.

**Mr. Steve Clark:** I'm just looking at a runway to come to some resolution and some path forward. We still have to, no matter what changes we make, get the government House leader to actually agree to have the standing orders changed. Presently, the petition system only deals with the paper petition.

You made a comment that spurred on a question. I stand up in the Legislature and I have my stack of 8.5-by-11 pieces of paper with all the signatures on it, and I read it into the record and I give it to the table, and the table gives me an answer. Where does that petition go? Do you then archive that entire document somewhere?

**Mr. John Roberts:** Current arrangements—the Legislative Assembly is voluntarily archiving that material with the Archives of Ontario—

**Mr. Steve Clark:** For how long?

**Mr. John Roberts:** We are currently holding those in perpetuity.

**Mr. Steve Clark:** Oh, my God.

**Mr. John Roberts:** Subject to—as I said, part of our core competency is to protect privacy, so they are kept in secure facilities and not made available without the privacy—

**Mr. Steve Clark:** The actual document?

**Mr. John Roberts:** The actual documents, in the current arrangements, are being held as part of the documentary—

**Mr. Steve Clark:** How big a facility do you need to store all those petitions in perpetuity?

**Mr. John Roberts:** To be honest, the inputs that we get from the Legislative Assembly are a relatively small part of documenting the activity of government as a whole. We have, at the moment, over a million and a half boxes of material stored in one form or another.

*Interjection.*

**Mr. Steve Clark:** Well, this is even more reason why we need to develop a framework at this committee to move this forward.

**Mr. John Roberts:** With my archivist hat on, some of the efficiencies around long-term storage from shifting from paper to electronic are appealing.

**Mr. Steve Clark:** I guess the last question I have is about your comment about informed consent. Do you believe—and if Mr. Beamish has a comment as well—that all MPP sites should have a section that communicates to constituents how we gather information on that site and what we use it for? I don't see that consistently being applied amongst all the MPPs. You're here, so I might as well ask you for a comment on that.

**Mr. John Roberts:** What I would say is that it is good privacy practice to advise people who are providing personal information what will be done with that information over time. So most of the privacy methodologies that you would see typically in public administrations do urge that there is clarity around how the information will be used, disclosed, managed and the length of its retention.

**Mr. Steve Clark:** Thanks very much.

**The Chair (Mr. Monte McNaughton):** Thank you.

Mr. Mantha, you had some time left.

**Mr. Michael Mantha:** I had some comments just on the last discussion that came up. You talked about the four principles of collection: disclosure, management and protection; right?

**Mr. John Roberts:** And retention.

**Mr. Michael Mantha:** And retention—I forgot that one. That's where my question is, on retention.

**Mr. John Roberts:** It was the fourth one.

**Mr. Michael Mantha:** I just want to make sure that I got this right. From your experience that you had in New Zealand, someone had the ability to go back into the archives and find Mom's signature on a petition that she did while she was in her college days, which was significantly 50 years ago.

**Mr. John Roberts:** That petition that I mentioned was from 1893.

**Mr. Michael Mantha:** 1893?

**Mr. John Roberts:** 1893, yes.

**Mr. Michael Mantha:** It wouldn't have been my mom—

**Mr. John Roberts:** Particularly around the centenary of that petition, there was an upsurge in public interest, and it did bring to the foreground the way in which records of people's ancestors participating in ground-



breaking public policy was something that individuals took great pride in. So I offer that just as an example of how personal information can have a long-term heritage value, as well as bringing into play privacy risks and, therefore, the need to make a balanced consideration as to what's kept and for how long.

**Mr. Michael Mantha:** It was the point that I was going to make, because I know my friend here was just trying to stress a point of why we need to push these as well, but those paper-copy petitions today are a paper copy, but they might have historical significance and we have to possibly maintain that practice, as well as an electronic copy.

**Mr. Steve Clark:** Well, you couldn't do the same thing you did in New Zealand.

**Mr. John Roberts:** Equally, I'd suggest that in parallel with considering e-petitions, then it might be timely to revisit the discussion around paper petitions and ensure that you've got a harmonized regime in place, so the analysis that is done of the value would be equally relevant across multiple formats.

Perhaps just one final remark: In New Zealand we did find that there was a lot more public use of that historic petition when it had been digitized and put online. Again, just as I indicated, the accessibility of resources when they're in the Web environment is substantially greater than it had been.

**Mr. Michael Mantha:** I asked this question earlier to Mr. Beamish and I'll ask it of you as well. The goal that I think everybody's agreeing to in this room is that we want to see greater participation and greater transparency. Do you see a conflict between having two different systems or possibly three different systems or do you see greater transparency, greater participation when there is one method: This is the method that will be recognized.

If this committee agrees on a goal, an objective and a directive that this is the method that we're going to use, and there are different methods of bringing a petition forward, do you see confusion that is going to be happening? Do you see a potential for a breach of privacy that might happen?

**Mr. John Roberts:** My experience in New Zealand around moving different business processes online suggests that there's great participation when actually a range of different channels are offered. There will always be people who prefer to use a familiar paper environment rather than a single channel.

1440

My experience, and the research that I'm familiar with from New Zealand, suggests that if the goal is maximum participation, then that's not compromised by having multiple processes available.

**M. Michael Mantha:** C'est bon.

**The Chair (Mr. Monte McNaughton):** Thank you, Mr. Roberts, for your presentation today. It's very useful. Thank you.

**Ms. Soo Wong:** I have a question.

**The Chair (Mr. Monte McNaughton):** Okay. Ms. Wong.

**Ms. Soo Wong:** Thank you, Mr. Chair. My question is, through you to the Clerk—I remember, in a subcommittee, we identified two witnesses for today's session, and the Clerk was supposed to get back to the committee on whether we were successful getting hold of the speakers for next week. So I just want to get an update from the Clerk about those other witnesses that we have asked to be presented to this committee—or we could do a teleconferencing.

**The Chair (Mr. Monte McNaughton):** Sure.

**The Clerk of the Committee (Mr. Trevor Day):** Okay. In response to your question, in the subcommittee report that was adopted, point 1 said, "That the Chair of the committee invite the following"—Mr. Beamish and Mr. Roberts.

Point 3 was, "That the table research officer provide an update ... and establish an appropriate contact in both Houses for further inquiries."

The committee didn't actually adopt bringing those people here. We said we would set up contact with them and attempt to answer any questions that the committee members would have.

**Ms. Soo Wong:** Okay.

**The Chair (Mr. Monte McNaughton):** On that note, I would like to ask the committee and get some feedback.

Point number 4 said that the committee begin in camera report-writing on November 4. We have nothing scheduled for next week. Do we need to have a meeting next week?

**Mr. Steve Clark:** I guess, Chair, I'd go back to what I said earlier when Mr. Ballard mentioned—we need to understand that there are some issues that have to go around the standing orders, and some changes.

Let's face it: This government has a majority on this committee. To use a term that my colleague from Lanark-Frontenac-Lennox and Addington used many times when we first started this discussion, I don't want this committee to be frustrated by going through a scenario that leads nowhere. If the government has a preferred direction on how they want to move forward with the framework, they should table it with the committee, or, if this committee is going to be allowed to develop the framework by a consensus position, then we need to understand the positions of all three sides.

Mr. Balkissoon is looking at me, because we have sat here in this committee and dealt with standing order changes that went nowhere. I really do believe we need to have an idea from the government on how they want to proceed.

I can continue to go with the e-petition that's on my site. I can communicate to my constituents how I'm going to manage their data.

I do believe that Ms. McNair tabled some exceptional documentation before this committee. I want it on the public record that I was excited about the UK petition site, and as most of you know, I don't get excited too often.

Now Bas is laughing.

I think we need to move forward. But, listen, the government has got the majority on this committee. I'd



like to know where they stand and how we move forward. If that's what we do next week—receive a document from the government and then go into report-writing—I just want to move forward. You guys know where I stand. I want to get moving. I'm doing it, my constituents are doing it, and I just think we need to legitimize the practice.

**The Chair (Mr. Monte McNaughton):** Any other comments? Mr. Balkissoon.

**Mr. Bas Balkissoon:** Mr. Chair, I come and I sit on this committee, and we've gone through this exercise. Mr. Clark seems to feel that maybe we have a position. I don't believe we do.

We support e-petitions. The problem I'm having is that maybe we need to spend next week and just kind of go around this. Mr. Clark has a position of his own on what kind of e-petitions he likes, which is similar to what he runs out of his office right now. I think Mr. Hillier had another position.

What we've heard from the majority of expert witnesses—I think the majority are causing me to hedge toward the Legislative Assembly, under the Clerk's administration, that you have a general petition, that the general public can start a petition and we develop the process, how it will go through the system, get answered and whatever.

So I think, amongst ourselves—and this is just my personal position—we need to have a discussion and land on one, and then we write the report on that. If we don't land on it, then we have to write a report saying what we heard, what Mr. Clark's position and Mr. Hillier's position is, and send it back to the assembly.

**Mr. Steve Clark:** I'm quite willing to build on consensus, but let's face it: You've got your majority on the committee.

**The Chair (Mr. Monte McNaughton):** Sorry. Ms. Wong—

**Mr. Bas Balkissoon:** But e-petitions are to serve the entire Legislature; it's not to serve the government only. I'm open-minded. I'm going to look at the practicality of it, the purpose, what it serves and what the public gains out of it. That's my comment.

**The Chair (Mr. Monte McNaughton):** Great. Thank you.

I just want to get some direction as to whether we have a meeting next week, and if so, what's on the agenda. Ms. Wong.

**Ms. Soo Wong:** After the Clerk clarifies what we, as a subcommittee, decided, I don't think I've heard from the members here today that if we have any questions—remember? I just heard that any questions members have to be forwarded to the House of Commons or the UK—I didn't hear a response. So maybe it is appropriate to have a meeting, or if we don't have a meeting, by this date, this time, we submit the question to the Clerk so that he can—because that's what I heard, right?

**The Chair (Mr. Monte McNaughton):** There were some questions, and the Clerk just passed out the responses now.

I think it sounds like we should have a meeting next week, so we'll put an agenda together.

Mr. Ballard.

**Mr. Chris Ballard:** Just a question and maybe a request of our research clerk—and it was sort of where I was going before. From the two gentlemen today, what I heard was that they're willing to help us in some critical areas. But what I'm wrapping my mind around is the decision points. We do one, two, three, and the subset of three is this—almost a decision tree or something like that. I'm not too sure if it's possible to dig down and get back to us with what those key decision points are in putting a system together, because I heard “You should consider this, you should consider that, you should consider this”—I'm scrambling to take notes. I'm not sure if you can help us—because it would help me.

**Ms. Joanne McNair:** I can certainly attempt to put something together.

**Mr. Bas Balkissoon:** A summary.

**Mr. Chris Ballard:** Yes, just a summary. I'm not looking for pages and pages, but what—

**Ms. Joanne McNair:** Like a flow chart?

**Mr. Chris Ballard:** That would even help. You know what? That might even be easier. Just what the key decision points are in terms of designing a system.

**Ms. Joanne McNair:** Okay. Obviously, it's going to be a purely hypothetical system because I have no idea what you—

**Mr. Chris Ballard:** Absolutely. No, it's up to us to decide on a system.

**Ms. Joanne McNair:** —where you wanted to go and stuff, but certainly I can put together, based on what we've heard and what other jurisdictions are doing, the best practices and what steps need to be considered.

**Mr. Chris Ballard:** If you want to do a nice flow chart picture, that's perfect, whatever.

**Ms. Joanne McNair:** I can try to do a flow chart, yes. I love charts.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha.

**Mr. Michael Mantha:** Maybe Joanne or the Clerk can help me out here. I just want to make sure that I'm—if I am to understand, we are in favour of proceeding with an idea of e-petitions, is what I'm hearing around the table. It is how that's going to be done. Mr. Clark is indicating that he'd like to have the process that we have now, which I have on my website too, as well—

*Interjection.*

**The Chair (Mr. Monte McNaughton):** Mr. Clark, let's let Mr. Mantha finish.

**Mr. Michael Mantha:** He has a system, and I think our system that we have is similar. It's a tool that we utilize, which has proven to be quite successful.

We'd like to, in a way, legitimize that. If I'm hearing correctly from my friend Mr. Balkissoon, you'd want that process to be done through the Legislature. I just want to make sure that's—

**Mr. Bas Balkissoon:** No. I think what we, as a group, have to land on—if we all agree that members should have what you have, then we all have it and somebody has to pay for it, but it will reside in our constit office. Or



the simple method that I see as easy and workable and all the risk factors and everything else are gone and there's no privacy issue is the one most of the deputants who have come forward so far put in a neutral position, which is the Legislative Assembly has the database, server and the whole works, and it's managed by them; we as members get notified when there's a petition and here's the wording on the petition and there were 500 signatures on it.

1450

What we do with that is up to us. The Clerk will follow her normal process. When there is a petition and it's signed and it's legit, it goes to the responsible ministry, and they'll do exactly what they do today, it's just that it's now in electronic form and they can reply to everybody by email, if they put an email address on it.

We can also have a dual system. We can have that and we could still have what you have in your office. I think the big issue that it comes down to that we have to have a discussion on is the validation process you have on your website in your own riding. Is the assembly prepared to accept that? That's the part we have to discuss with the Clerk and the legal folks around here: Are we doing the right thing and is every possible protection and risk removed?

We could have a dual system. We could still have the paper system, because, to be honest with you, there are folks out there who will still want to write a paper petition and go door to door or go into a mall or whatever. We have to have a discussion at length on what it is we visualize this thing to be.

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** I just want to be clear as well that what I don't want is an expensive system when we don't require an expensive system.

Mr. Hillier and I used our websites—and I can use your websites as well, because you have e-petitions right now. Many of you do, Ms. Wong; a number of your MPPs—your government House leader has e-petitions on his. I'm just saying that many of our websites have the capability to do an e-petition now. What we have to decide is how easily do we want our constituents to be accessible for a petition. They have an expectation that they're going to get an answer.

I like some of the UK's model. I'm not particularly sure that the government will buy into the UK model of having a debate in the House if a petition gets a certain threshold. I get the sense that you probably wouldn't be too enthused about that. I think it would be great to have a debate about that because I think there are merits of having a more direct democratic opportunity when it comes to petitions. But make no mistake, people are still going to want to do that paper petition—some will. Some will prefer to deal with their MPP—because there are many constituents who want to deal with their MPP when it comes to a petition as opposed to dealing with some central website at the Legislative Assembly where I won't know whether they've signed the petition as my constituent or not.

I guess I had a sense, as a former House leader, that the government House leader had an interest in this and had an idea of where we should move forward. I just felt that we should add his voice, if he wanted to have his voice at the table, to where we move forward.

**The Chair (Mr. Monte McNaughton):** We're going to meet next week and continue.

**Mr. Steve Clark:** Hey, if the group wants to meet next week—listen, I've signed on to this committee. I know when it meets and I'm quite prepared to be here every week. But I do want something to happen.

**The Chair (Mr. Monte McNaughton):** I think it's pretty clear we're going to have a meeting next week to continue this discussion.

Are there any final, quick comments?

**Mr. Bas Balkissoon:** I just have a quick comment if you would allow me, because of Mr. Mantha's question of me.

**The Chair (Mr. Monte McNaughton):** Sure.

**Mr. Bas Balkissoon:** My only fear—and it was raised by several people—is what we received here as a committee from Mr. Hillier the first time—I got the impression he was the writer of the petition and people were signing it. To me, that's not a good process or a legitimate process. We are here to represent the people. We're not here to create petitions to create havoc. I put that out bluntly because that's my honest opinion.

**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Balkissoon. Just a quick comment, Ms. Wong. We have to wrap up.

**Ms. Soo Wong:** The thing is, because of what the Clerk said to us, I still have questions. We were told at the subcommittee if there are any questions for the staff to do, that we should bring that forward. I think we should have that opportunity at the beginning of the meeting next Wednesday.

**The Chair (Mr. Monte McNaughton):** Okay. Sure.

**Ms. Soo Wong:** Because I still have not gathered, from all the witnesses today and the documents, the costs. I know the opposition says, "Let's find a cheap, easy way." The bottom line—

**Mr. Steve Clark:** No, not cheap and easy. I don't want an expensive process.

**Ms. Soo Wong:** I don't know. There will still be software costs. There are still the retention costs. There are still the archive costs. I don't know what it costs, okay? So, somebody get that information for me.

**The Chair (Mr. Monte McNaughton):** Okay. A lot of that, Ms. Wong, will depend on the system that we decide—

**Ms. Soo Wong:** Yes. We need the information on the system, then.

*Interjections.*

**The Chair (Mr. Monte McNaughton):** We have Trevor.

We'll see everyone next week at 1 o'clock.

*The committee adjourned at 1456.*

## CONTENTS

Wednesday 21 October 2015

Petitions.....	M-149
Office of the Information and Privacy Commissioner of Ontario.....	M-149
Mr. Brian Beamish	
Office of the Chief Privacy Officer and Archivist of Ontario.....	M-156
Mr. John Roberts	

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### **Vice-Chair / Vice-Président**

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Grant Crack (Glengarry–Prescott–Russell L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



AZON  
XC20  
-L20



M-18

M-18

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 28 October 2015

# Journal des débats (Hansard)

Mercredi 28 octobre 2015

Standing Committee on  
the Legislative Assembly

Petitions

Comité permanent de  
l'Assemblée législative

Pétitions



### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 28 October 2015

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 28 octobre 2015

*The committee met at 1304 in committee room 1.*

## PETITIONS

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone. Another reminder: We'd like to start at 1 o'clock in future weeks.

Welcome to the Standing Committee on the Legislative Assembly this afternoon, to talk, yet again, about petitions, e-petitions and petition procedures. I think our goal today is to have an open discussion about whether or not we have e-petitions here in Ontario at the Legislature. It has to be, obviously, a committee decision. I would just ask if you could wait to be recognized for Hansard, because I'm assuming that this will be a fairly open discussion today. Just please wait to be recognized.

Essentially, I think what we need talk about first is whether or not we're going to move ahead with e-petitions here. I'd open the floor up for discussion and recognize Mr. Clark.

**Mr. Steve Clark:** Thank you, Chair, and good afternoon, members of the committee.

I feel very strongly that this committee, moving forward into the report-writing stage next week, should endorse the creation of an e-petition site, similar to many other Parliaments and Legislatures throughout the world.

I first want to congratulate our table researcher, Joanne McNair, on all of her reports. I also want to thank the delegations that appeared last week on privacy and personal information. I found all of their presentations and documents very informative.

I also want the committee to know that I did bring it up with my Ontario PC caucus this week. I believe, and I think it's shared amongst my colleagues in Her Majesty's official opposition, that we should continue the present practice of paper petitions, that we still should give constituents the opportunity, under the existing standing orders, to be able to give a petition to an MPP and have that MPP either table the petition or read the petition into the public record. I believe that should continue.

I also believe that a mechanism should be put into place that would allow existing MPPs, who have e-petition capability and desire, to be able to continue that practice. I believe that the standing orders should reflect that fact because, presently, they do not.

I also agree that we should set up a site on the main Ontario Legislature website, in a way that doesn't spend an exorbitant amount of money. I know that, in Ms.

McNair's reports, I am concerned about some of the dollars that have been spent on e-petition sites.

I really do believe that we need to make it easier for residents, as in her report, "to be able to start, share and support petitions." I believe it was a component of this government's Open Government initiative, so I believe they have a duty to move on that initiative and make it into a reality.

I do want to highlight, though, before I concede the floor to others, the section in Ms. McNair's report under "Possible arguments for opposing e-petitions," where it states that it "might lead to unreasonable expectations regarding what a petition can achieve." I want to highlight that for one reason: There are many petitions that are tabled in the Ontario Legislature that have thousands and thousands and thousands of signatures. Those signatories expect that the government is going to be responsive to that petition and provide a very full and open answer on the government's intentions.

I don't believe that that is an argument to oppose e-petitions; I believe it's a fact today. I know that many of my constituents who, when I send them the response to the paper petition, are very disappointed with the answer. I think we have to be mindful of public expectation and I want to reiterate that the public expectation is that e-petitions should be the new normal when it comes to communication with members of provincial Parliament.

I support our existing procedure, Mr. Chair; I support those members, like myself, who provide a space on their website for e-petitions; and I also support us moving forward next week, in the report-writing stage, to be able to provide a website that fills that need.

I look forward to hearing opinions from other members of the committee. Thank you very much. Mr. Chair.

1310

**The Chair (Mr. Monte McNaughton):** Thank you very much, Mr. Clark. We'll move to Mr. Balkissoon.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair. I had a question of Mr. Clark, just for clarification. I hope I heard you right, because I was trying to put on my ear-piece at the time.

You're saying that the current practices of MPPs who have petitions on their own personal website be recognized in the standing orders. Can you expand on what it is you—

**Mr. Steve Clark:** Presently, there's no such vehicle that the government would provide an answer to that petition. That petition would have to be printed out in the

format that we accept presently, under the standing orders, and either read into the record or tabled with the table, if it adheres to it.

I believe that when we're involved in report writing, we should move, especially with the e-petition site on the Ontario Legislature site, to a more natural language as opposed to the language we use with "whereases" and "Therefore, be it resolved." I think if we're going to move to an e-petition, we need to have plainer language.

But I believe that those who have e-petitions on their site should have a vehicle that, if it is on the site, there's a mechanism that we put into place in the standing orders such that they would get answer just as easily as we get an answer from the paper petition.

**Mr. Bas Balkissoon:** Okay.

**The Chair (Mr. Monte McNaughton):** Mr. Balkissoon, any follow-up?

**Mr. Bas Balkissoon:** My clear understanding, then, from what you're saying is that if we, as a committee today, agree to move forward and set up an e-petition process that is housed by the Legislative Assembly and administered by the Legislative Assembly, that is not adequate. You want to go one step further and recognize the one that's on your own personal website.

**Mr. Steve Clark:** I think there should be three opportunities. My goal, to use Ms. McNair's words in the report, is to make it easier for residents of Ontario "to start, share and support petitions." I think we need to have as many ways as possible for people to participate.

**The Chair (Mr. Monte McNaughton):** Any other input? Mr. Balkissoon.

**Mr. Bas Balkissoon:** Mr. Chair, I could comment on what we're doing here, if you allow me to. If there's somebody else, go right ahead.

**The Chair (Mr. Monte McNaughton):** No, you have the floor.

**Mr. Bas Balkissoon:** I would urge the committee to support setting up a central e-petition site to complement what we do on paper today, and let it be administered and managed and operated by the Legislative Assembly, under the Clerk's administration.

I would say also that my interest today would be, let's not reinvent the wheel. We know our federal partners have implemented something. We instruct the Clerk and her staff to investigate the federal software program—is it something we could purchase and implement here very simply?—but also, if we purchase it, to look at opportunities. Can it be enhanced? Can it be modified?

On a go-forward basis, if we look at additional features, if this committee was to do a review in the future and say, "You know what? We want to add this one little piece," we make sure that with the federal program, if we were to purchase it and save some money, we will have that opportunity to do it in any type of licensing agreement we sign.

As I see the petition process, we keep the paper that we have and allow that to continue to function, because there's a lot of people in Ontario who don't have access to the Internet and do not have access to sign an e-

petition and will continue to need the paper practice to work for them.

What I also see with the e-petition is if we could replicate what's in the paper process today. We could look at the program, with someone creating it with all the securities to meet the privacy commissioner and whatever we heard last week, and we have thresholds of when a person signs a petition; how long it stays on a site; how many signatures it needs to have; and that a couple of members be allowed to sponsor it. When it reaches the threshold, then that member stands up in the House and presents it as we do today and the ministry responds, as they do today, so nothing changes from that end.

I would comment, because of what the privacy commissioner said and encouraged, that we could retain the records of the creator of the petition because they have done something very important themselves. But those who sign the petition, their records could be destroyed sometime after the answer has been provided so that there's no retention of data, there's no housing of data and there is no real expense to the future, because really it's simple data, which is just a name and a postal code, or something of that nature.

I have difficulty recognizing current members who have petitions on their website because I don't think it fits the Legislative Assembly's role to recognize that. I'm concerned about the risk, the safety, the mechanism. Unless we, the government, decide to create a website for every member to have access to and we administer it and put all the security concerns and risk factors that are taken into consideration in that website, and it's the government that is building that website for the member just to have his name on it—then I might be able to think about it differently. But I don't see that happening in a hurry, so I think that the best thing for us to do today is to look at a complementary system to the paper system that is administered by the Clerk, that's neutral, and we give the public access to sign that petition and we set some thresholds.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much, Mr. Balkissoon. We'll move to Mr. Mantha.

**Mr. Michael Mantha:** There are a couple of questions that came up through the petition system, and if you were to have them on the MPP site or the Legislative site. The one question that came up—I'm surprised I didn't think about it—is the issue about translation. There are petitions that are on certain MPP sites which are not translated. If we were to go down the avenue of having an e-petition on the MPP's website, would that be a requirement?

I understand that it would be a requirement if we would, or at least we would have to make that decision if we're going to centralize that service here through the Legislative Assembly. At least I would insist on that. I don't know about the rest of the committee members. If we were going to formalize e-petitions, then I would actually insist that it be done on the MPP's website as well so that there is full participation by everyone in the province.



The one thing that jumped out to me was one of the cons, which is to accept e-petitions from an MPP's website. It says, "Some citizens might be reluctant to sign a petition hosted on an MPP website as that might be seen as support for a party."

And I'm only going to speak for myself, as I know there are individuals who have approached me and said, "I'm not going to sign your petition, Mike. I don't want to be contacted by anybody out of your office. I understand the issue and you have my full support on that issue, but I'm not signing your petition."

If that petition was hosted on a neutral site, would that individual sign it? Would it create the goal of having more participation, as I think ultimately what we all want in this room is having that opportunity to get more individuals to participate? I'm leaning towards having it on a central site but I'm also looking at it as an MPP. Those electronic petitions are issue-based—at least the ones that I have on my website—and it provides me an opportunity to engage with my constituents. If there is a way that we can validate both, it's what I'd like to see.

However, I see the importance of having the centralized neutral area so that individuals who do want to support the issue but don't want to be seen as supporting an issue that Mike Mantha raised—I understand that view as well.

At our last meeting, there was a question in regard to what do we do with the information that is on that e-petition and how do we control that as MPPs, if it's on our website. I'm a little bit concerned that that information—although I would particularly direct my staff to treat it with the utmost confidentiality, it might just happen that there's a breach there. That's a little flag that I have for myself. But again, having said that, it's also a tool that MPPs have used for years—years and years and years—in order to have that contact or that direct link with their constituents.

1320

How we proceed with this is going to be interesting to see because the decision will be made. I would like to see a way that I can actually engage with my constituents, use my website for petitions and have the ability to introduce those. However, I do understand the concerns and the issues that individuals might have by signing my petition. I hear my colleague Steve, with what he'd like to desire, but I think at the end of the day, we do want to have greater participation; I think it's ultimately our goal. A centralized e-petition might be the answer. However, I think we should also look at how we can engage our constituents through our own websites as well.

**The Chair (Mr. Monte McNaughton):** Thank you, Mr. Mantha. I'm going to move to Mr. Ballard next. But just so we're clear and all on the same page, I'm hearing that there is a consensus as far as moving toward e-petitions. As far as processes, it's a bit different, but I think there is a consensus to move to e-petitions, which I think is great.

We've heard now from a government member, the opposition end and third party as well. So I'd like to hear more. Mr. Ballard?

**Mr. Chris Ballard:** Sure. Thank you, Mr. Chair. Just a couple of comments on what I've heard: I agree with the Chair that what I'm hearing is agreement that we do need some type of e-petition system in future as a way of better engaging our citizens and making it easier for them to engage with the Legislature.

My sense is that it really needs to be a system that is run and controlled by that neutral party, the Ontario Legislature, rather than individual MPPs. I don't think there's anything that would stop an MPP from continuing to do their own petitions online. They would still face the same issues they face today in terms of submitting them, but there's nothing to say you couldn't have a petition set up and then a link to it from your website, promote it on your website, a "Click here to sign the petition" sort of thing. I think there is a way of accommodating. If you really want to promote a petition as an MPP, there's a way of doing it without having two places where that information is stored and sorted etc.

Maybe what it really is too is that a lot of MPPs are looking for a simpler solution which is more of a simple polling software that you can get virtually for free anywhere, that if you want to ask questions of your constituents, they can come in and say "yea", "nay" and whatever they want to say.

I heard MPP Clark talk about perhaps the need to use plain language as we move forward with a petition system, and I hear that. Coming from a communications background, I've spent an awful lot of my career trying to write things in plain language so as to demystify processes. I think we need to look at the language of petitions to that effect, but at the same time, there is something important about an official petition written using the right language. The "whereases" and the "therefores" are not that complex, I don't think. So I'd be cautious about stripping some of the formality away for fear that we make a petition perhaps seem a less important thing in the eyes of petitioners.

I think I'll leave it there for now, but I am encouraged by what I'm hearing, and I think we're coming to some conclusions.

**The Chair (Mr. Monte McNaughton):** Great. Thanks, Mr. Ballard. Mr. Balkissoon?

**Mr. Bas Balkissoon:** I just wanted to add a comment. I take Mr. Mantha's comment on the language issue. I thought that was automatic because the government's running it. They'll do it in two languages.

I was just going to mention that, yes, a member can use their own website to notify their constituents that somebody has created a petition: "Here's the link to sign up." Or on your own website, you could create a page that says, "This is how you do a petition to the Legislature," using the e-petition format, and link it to the government's site, because we're allowed to do that. That way, the information is actually stored and controlled, and all the risk factors are taken away from that member. I don't have a problem with that, also, if we mention it in our report, the system be designed to allow members to link up, because that's the only way you're going to promote it.



I wholeheartedly support all his issues. My only hang-up is still individual members creating their own petitions on their own website.

**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Balkissoon. I'll recognize Ms. Wong.

**Ms. Soo Wong:** Thank you very much, Mr. Chair. I am very pleased to hear that all three parties are interested in e-petitions.

I think we didn't get a chance, when we had the two witnesses before us last week—we didn't drill down, to ask the witnesses. The information currently—the members opposite are having the e-petition. When that information is deposited into your website, what is happening to those data? Sensitive information is being captured, in terms of personal information. How do you protect that personal, sensitive information in terms of the privacy legislation? For those reasons, I'm concerned.

I think that all of us are busy members here at Queen's Park as well as in our constituency offices. We must not break our own law, especially when you have private information that is being gathered by each individual member who is currently having their own petitions. I don't recall any one of us, when we were here listening to the witnesses, asking the two experts who were before this committee the question about what we do with this information. Currently, members have that data. Are they required by law to keep it for X amount of time? How long is this information kept? Is it then sent to archivists, so that they will be storing it for you? I don't know.

I just want to make sure that if we're going to have two systems of e-petition—one centrally for all of us, and one individually, or individual members continue to do business as usual—we've got to make sure it's consistent, and that there's clarity and, most importantly, that we have one policy that governs everybody. Right now, I am not sure.

I'm also very pleased to hear that our colleague is also interested that those individuals who have no access to the Internet or people with a language difficulty or new Canadians who still want to use the traditional method of doing petitions, will be respected. I think that's the right thing to do.

But I think that having two systems of e-petitions can create challenges. I just wanted to put that on the table.

**The Chair (Mr. Monte McNaughton):** Thanks, Ms. Wong. An excellent discussion so far. It has made my job easy, so far.

I would like to see if we could push the committee on coming to a consensus, hopefully, on a few things. Number one, am I hearing that the committee supports keeping the paper petitions as we have now?

**Mr. Bas Balkissoon:** Absolutely.

**The Chair (Mr. Monte McNaughton):** Secondly, does the committee support having a centralized assembly e-petition?

**Mr. Bas Balkissoon:** Absolutely.

**The Chair (Mr. Monte McNaughton):** And then the last one, which I've saved until the end, is the individual MPP websites petitions.

**Mr. Bas Balkissoon:** I don't agree with it.

**The Chair (Mr. Monte McNaughton):** Could we maybe have a bit more discussion? We'll go to Mr. Clark.

**Mr. Steve Clark:** I guess that there are some members of the Legislature who have this on their websites, to date. They've adhered to the rules. If they wanted to table that petition, they would print it out and have a signature on it, because, as you know, our existing paper petition policy only requires one signature on the petition before it is either tabled or read into the public record, which is less than many of the electronic petition thresholds that Ms. McNair has provided in her report to the committee.

I happen to believe, again, that you want to give people the most opportunity to participate. Just like, as Mr. Mantha said, maybe someone doesn't want to deal with an individual website, there might be someone out there who might not want to deal with the website. Maybe they would feel that the OLA website is a government website, and they may not understand how the website is run.

1330

That's why I feel that there should be the most opportunity for someone to participate. If that is through three different systems, then I think that's fine.

But I do want to say that there is a role for our experts who appeared last week. I do want to take the opportunity to comment on Ms. Wong's previous words before the committee. I do believe that our speakers last week should be providing a guide to members of the Legislative Assembly who do take in information, not just on e-petitions but throughout their offices, to ensure that they're aware of their legalities in terms of collection of data and personal information. I do see that as a separate discussion, a very valuable discussion, that all members should participate in.

But I still contend that we need to provide the most opportunity for folks to participate. I happen to agree that if members, whether they be government members or opposition members, do presently use some form of electronic petitions on their site, they should be able to continue to do that; that if the consensus of the committee is that we don't change the standing orders to legitimize that, then they can continue to do what they're doing now and be able to have their constituents' views on the public record.

**The Chair (Mr. Monte McNaughton):** Just to clarify—again, if you have feedback on this—it's my understanding that we wouldn't be stopping or preventing MPPs from having petitions through their website, right?

**Mr. Steve Clark:** I don't know if we can.

**Mr. Bas Balkissoon:** I don't think we can, Mr. Chair. What an MPP does—

**The Chair (Mr. Monte McNaughton):** I just wanted to make sure that we're all clear on that.

**Mr. Bas Balkissoon:** What an MPP does within their own boundaries—they're responsible, and they're accountable to their constituents.



It's sort of a quasi MPP site and government site, when a member creates his own site, so the same rules don't apply. He could continue to do what he's doing as long as whatever he presents in the House conforms to the two policies that exist: the one for paper or the one for electronic.

**The Chair (Mr. Monte McNaughton):** Right. I just wanted to make sure we were all on the same page.

**Mr. Bas Balkissoon:** No, we're not saying he has to stop.

**The Chair (Mr. Monte McNaughton):** Mr. Ballard?

**Mr. Chris Ballard:** Thank you. I just wanted to clarify—and MPP Balkissoon clarified that for us—that MPPs can put whatever they want to on their website, but if it's a petition, it has to meet the criteria that we set forth. So most likely, it wouldn't meet it.

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** No, I'm fine.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha?

**Mr. Michael Mantha:** Help me out here: So e-petitions will continue on an MPP's website, or can continue?

**Mr. Bas Balkissoon:** Yes.

**Mr. Michael Mantha:** Paper petitions are going to continue, or are going to be provided?

**Mr. Bas Balkissoon:** Whatever you're doing today, continue to do it if you so choose.

**Mr. Michael Mantha:** Again, help me out here: If I'm going to have e-petitions, then all it requires is for me to print out my e-petitions and put this one signature that I got Steve to sign over it, in order to table it in the House.

**Mr. Bas Balkissoon:** That's up to you.

**Mr. Michael Mantha:** I know, but again, help me out: What's the problem in regard to accepting the e-petitions? Because you know they're under this paper. Help me out here.

**The Chair (Mr. Monte McNaughton):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** I think it's the accountability and the privacy issues that we have to be concerned with, because it's your website and not the government's.

**Mr. Michael Mantha:** That's right, but all those signatures on those petitions are coming in anyway, whether we accept—I don't know. I'm just trying to—

**Mr. Bas Balkissoon:** Maybe we want to invite the Clerk back here to tell us.

**The Chair (Mr. Monte McNaughton):** Any further discussion on what Mr. Mantha brought up? Mr. Ballard.

**Mr. Chris Ballard:** Thanks. If I can recall a few of the things, I think verification was one of the key issues we heard. If someone actually writes down on a paper petition, you're pretty sure that they're a living, breathing individual and not a robot, based somewhere, that's slamming your website.

To put a petition in front of the Legislature, it has to meet a test, and one of those tests is, can we verify that someone has signed this?

**Mr. Michael Mantha:** But aren't we doing it—when it comes into the Clerk's office, again, it comes in with a thousand e-petition signatures. I'm covering it with one signature, putting it in. You're responding to that one signature, right?

**Mr. Chris Ballard:** Okay, now I'm lost. The one signature is for what? Just on paper?

**Mr. Michael Mantha:** On paper. These are all the ones that I collected on my website.

**Mr. Chris Ballard:** Which aren't verified.

**Mr. Michael Mantha:** Which aren't verified.

**Mr. Chris Ballard:** Are not verified.

**Mr. Michael Mantha:** I get this one. In order to present these on the Clerk's table, I get the one. I get Steve to sign it or I get Chris to sign it, just so we can follow process. I table it and I get the process that I'm expecting.

**The Chair (Mr. Monte McNaughton):** We're going to move. We've got a bit of a speaking order. Just one thing, though: MPPs can't sign a petition.

**Mr. Michael Mantha:** I'm just using that for an example. I'm just using that for discussion purposes, because sure as hell the left wing or the right wing will find somebody who wants to sign the darned thing anyway. Again, we're going to be responding to it anyway.

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** Just very short, Chair: I'll give you an example of what I've done. For example, with the government allowing the closure of Kemptville campus by the University of Guelph, the students wanted to get their voices heard. So we developed an e-petition on the site, which was the vehicle the students wanted.

In addition, we did a paper petition that we had at a number of public events, and we also had a PDF of the paper petition on the website. If a family or a business wanted to download that PDF and put it at their counter or pass it around down their laneway and their county road, they could. So we had a situation where there were people who were at public meetings and also students who filled it out electronically.

Ultimately, when I tabled the petition, I obviously didn't table the electronic signatures, but I did read it into the public record that I had—I think the one time when I first did it, I had about 8,000 people who did it electronically. I still got their words on the public record. Their signatures or their emails were not recorded. They were not archived.

The only time that I really communicated back to them was when I got the answer from the government. When the government was soliciting comments through their provincial facilitator, we communicated back and said, "If you want to provide comments to the facilitator, this is the way to do it." That was how we communicated back to them, just like many of us would communicate back to those signatories on a paper petition.

Again, I want to reiterate—because I like Ms. McNair's words—that I wanted to make it easier for residents to start, share and support a petition, and I think we need to do it under multiple platforms.



**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Clark. Mr. Balkissoon?

**Mr. Bas Balkissoon:** The more I listen to what Mr. Clark is saying, the more I believe that until we implement the central site and know how it functions, you can't respond to his need to put it in the standing orders. I'm sitting here and saying, "Okay, if I have a website and I put all the cover pages explaining how petitions work at the Legislature, etc., and here's the link to go sign a particular petition"—I mean, as an MPP, if I know there's a particular petition on the web that I'm interested in, I can encourage people on my own website. But direct them to the government website? I see it performing the same function.

So I'm having difficulty agreeing to this, because what is the main purpose of a petition? It's for the government to respond. And the issue here is, who should the government be responding to? In an e-petition that will be done in-house, there will be the person's name and email address, so it will be an automatic response through email quickly, electronically.

In the case of Mr. Clark's paper petition, as far as I understand it—and if I'm wrong, maybe the Clerk will correct me—if you present a petition to the minister or a ministry with one signature, that's the only person who gets a response. The electronic names on there get nothing. It's up to the MPP to convey that. As an MPP, instead of me taking on all that workload, I'd be happy to put it on the main website and let the ministry respond to all those emails. I'm still doing my job. I'm still helping my constituents to access government, but I'm doing it in a different format and using a different medium, which is the web pages on my site explaining how the process works. I see also, when you link into the government website, that the first couple of pages will do a complete explanation of how this system works—the advantages of it, how you're going to get a response and the timelines. It will give you the thresholds. All the instructions will be there, so the person participating will be fully aware.

1340

I have difficulty saying that we will put in the standing orders to accept the format that Mr. Clark is talking about. Let's get the central one working. Maybe after a year, or three or five years, of experience, we might see the merits of his system, but right now I cannot picture it.

**The Chair (Mr. Monte McNaughton):** I just wanted to ask—you keep referring to the government website, but you mean the assembly website—

**Mr. Bas Balkissoon:** The assembly website—well, the government. This whole place is the government.

**The Chair (Mr. Monte McNaughton):** The Legislative Assembly.

**Mr. Bas Balkissoon:** The opposition is part of government. We're governing on behalf of all the public.

**The Chair (Mr. Monte McNaughton):** You mean the assembly website.

**Mr. Bas Balkissoon:** Yes.

**The Chair (Mr. Monte McNaughton):** Ms. McMahon?

**Ms. Eleanor McMahon:** Thank you, Mr. Chair. First of all, I'm enjoying the conversation as well. I want to echo your comments.

I have some lingering concerns with what Mr. Clark is proposing, and I want to get to that in a moment.

But the access to democracy that we've been discussing almost since the onset of these conversations—we heard from several people who underscored that the public's confidence in any petition system is strengthened by the level of credibility that it has, and by their assurance that the information they're signing and the things they're affixing their name to will be used in a credible way. I think, but I'm not sure, that understanding how their information gets used is important.

So I'm going to use change.org, which is a website that I know. I know it's not a Legislative Assembly one. They're very clear about how your information gets used and how it's kept and safeguarded, and how your personal information will be safeguarded, at that. I think that's important.

What I am concerned about, getting back to Mr. Clark's suggestions—and maybe I'm just not clear, which is entirely possible—is how we assure people that we're going to safeguard their personal information. In a central system, I have a greater degree of confidence that we'll be able to provide them with that level of confidence. I guess I'm just querying how we're going to give people reassurances about their personal data and how it's kept.

**The Chair (Mr. Monte McNaughton):** Great. Thanks. Ms. Wong?

**Ms. Soo Wong:** Just a parallel to Ms. McMahon's comments, Mr. Chair: I think I want to drill down more questions for the two witnesses that came forward last week.

Besides archiving, if an individual member has their own website with petitions, how long is that personal information kept? Will the information then be passed over to the archivist's office and be restored for deposit?

The other piece is, where is there accountability and responsibility if the member's website is hacked? We see that all the time—every day out there—white collar crime. People go into different people's websites. Where is the duty to report in if your website has been hampered—and the responsibility of the members? There should be some kind of sharing back with whoever the independent officer of the Legislature is that must be reported back to, because their personal information has been compromised.

I know, coming from public health, that any personal information from public health where I was working—if any staff information is compromised or lost while travelling to and from clinic, that's reportable.

So when a member's website has been compromised, where and when is there a requirement to report in? And there's an accountability factor, and it must be transparent.

I'm concerned, because when one incident happens to one member, all of us are affected. I just want to raise those questions now.



I hear the concern Mr. Clark said about making more accessibility for the public to participate and engage. But I would hate to think something happened to his website and personal information of some young person from his community is now shared with others. I don't know. I hope it never happens, but I need to safeguard that personal information. We have a duty as legislators to protect that personal information.

Those are my comments. Thank you.

**The Chair (Mr. Monte McNaughton):** I'd like to recognize the Clerk.

**The Clerk of the Committee (Mr. Trevor Day):** Just on Mr. Balkissoon's point, currently when you put in a paper petition, the only person who receives a response is the MPP who put it in. The government does not go through all the names on it and respond to those people personally. There is one response to the MPP who has filed the petition. How they distribute that would be up to that MPP.

**The Chair (Mr. Monte McNaughton):** Okay. Sorry, Mr. Balkissoon?

**Mr. Bas Balkissoon:** So if we create an e-petition, then the MPP who sponsors it will get a response? We could also put in this new process that that same response just be mass-emailed to every email that's on the list. I mean, we could create such an easy process, because if the person signed the petition and put their email on it, then that's easy.

**The Chair (Mr. Monte McNaughton):** Or post the response on the website where the petitions are.

**Mr. Bas Balkissoon:** Whatever, yes.

**The Chair (Mr. Monte McNaughton):** Okay. If we'd just move forward and get some clarity around the third approach, which is the MPP websites—are we ready to make a decision on that? Or does everyone want to, I guess, kick it down the road one more week, think about it for a week, come back and make a decision next week?

**Mr. Bas Balkissoon:** I would say that we could make a decision that we want the central system—

**The Chair (Mr. Monte McNaughton):** And the paper ones.

**Mr. Bas Balkissoon:** —and next week we come with all the paperwork to create the framework, so that the Clerk's office can go away and come back with the info.

**The Chair (Mr. Monte McNaughton):** How do we feel about the MPPs' individual sites, then?

**Mr. Steve Clark:** If I can interject, Chair, I think Mr. Balkissoon acknowledged that individual members can continue to do what they want and engage their constituents in any way. I'm disappointed that we couldn't get consensus by the government members on integrating this third system in—

**Mr. Bas Balkissoon:** Mr. Chair, I want to correct Mr. Clark.

**Mr. Steve Clark:** No, no, I'm just—I'm not finished yet.

**Mr. Bas Balkissoon:** I want to correct Mr. Clark. This is not a government position; this is my—

**Mr. Steve Clark:** I'm not finished—

**Mr. Bas Balkissoon:** I want to correct—

**The Chair (Mr. Monte McNaughton):** One at a time. Mr. Clark, finish, and then I'll recognize you, Mr. Balkissoon.

**Mr. Steve Clark:** I do just want to say that it's my understanding that our present paper petition system is reflected in our standing orders. So if we do make a decision on e-petitions in our report-writing stage, we must also get the approval of the House leaders to make that change so that we can move forward. I think, as I've said in this committee many times, that that is a pretty integral part of this process, and that if we do not get the consensus, this won't happen. I just want to again express that, because to me it is an integral part of our discussion.

**The Chair (Mr. Monte McNaughton):** And again, the task of our committee is to present a report to the House and let that move forward at that point.

I'd like to recognize Mr. Balkissoon.

**Mr. Bas Balkissoon:** So, as I was saying, I think today we could agree on creating that central e-petition. As I said before, I would like us to look at a first priority, which is to just copy the federal government process and investigate if it will work.

**Interjection:** Or the UK.

**Mr. Bas Balkissoon:** I'm just saying, "If it will." If it's easy, we do it; if not, then we do the framework for our own at our next meeting.

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** I was prepared. I consulted Ms. McNair yesterday. I felt it would be helpful in our report-writing stage. Even though we have the documents showing what each Parliament does, I believe that we should have a chart or a graph showing the differences in the different systems and use that as a guide to build our consensus. I'm not going to say that I want one system over another today.

I've made some comments that I don't think are generally agreed upon by the members regarding the UK system. I do believe that it would be in our best interest if Ms. McNair would devise a chart showing the different thresholds for the different e-petition sites and how a member is integrated in that. I think it would be very easy for us to have that document for next week so that we can use that as our consensus builder.

**The Chair (Mr. Monte McNaughton):** Mr. Balkissoon, then Ms. McNair.

**Mr. Steve Clark:** And I'd be prepared to move a motion on that at the end of the committee.

**Mr. Bas Balkissoon:** That's fine. My concern is to investigate the software that the feds have got. Would it be practical? Because how you store data within a software—they're all subroutines between a faceplate. So to me it's, can we do it and do it reasonably cheap?

**The Chair (Mr. Monte McNaughton):** I think Ms. McNair can comment on that.

**Ms. Joanne McNair:** Yes. Regarding the House of Commons in Ottawa, their site isn't live yet, so we don't really know exactly how that thing's going to work. It won't go live until whenever the new Parliament actually meets.

**Mr. Bas Balkissoon:** But would they have a paper-work framework of the architecture of the system?

**Ms. Joanne McNair:** They gave us what they felt they could give us, which we shared. We went over it a couple of meetings back.

The UK platform is open source. It's downloadable, and it's free. You can modify it any which way you want, to suit your needs. It's the same with the White House's platform that they developed: It's free, open source and can be downloaded.

I had discussed this briefly with iDivision, when this process first started. I sent them links to both, and they said they'd play around with them. I don't know if they actually did follow-up on that.

**Mr. Bas Balkissoon:** Can we get feedback between now and next week?

**Ms. Joanne McNair:** On if they've actually played with them?

**Mr. Bas Balkissoon:** Yes. Like, what would be their preference?

**Ms. Joanne McNair:** Yes. If they haven't done anything with it, they probably won't be able to give you feedback at this point.

I just wouldn't look at the House of Commons one yet, the federal one, until the thing's actually working and we see what it does, because right now it's—

**Interjection:** It's theory.

**Ms. Joanne McNair:** Yes.

**The Chair (Mr. Monte McNaughton):** Ms. McMahon.

**Ms. Eleanor McMahon:** I don't think I disagree with that idea, Mr. Chair. My concern remains about data and confidentiality. Open source systems are—I'm not a tremendous expert on this, but my understanding of them is that you can hack into them very easily. I think security is important.

Again, I go back to my earlier comments, which focused not on the plausibility of ideas so much as people's comments to us, which were: "Make it a secure system that we can get behind and have confidence in." I think it's important that we safeguard people's information and create a system that's going to give them that assurance. Whatever system we create, I hope that it has that as a central feature.

**The Chair (Mr. Monte McNaughton):** I'm going to ask if it's okay to have Ms. McNair make a comment on the open source system.

**Ms. Joanne McNair:** "Open source" just means it's free to download. You can put in all the security constraints that you want. You can make it as secure or as unsecure as you want with that.

The UK one is based, obviously, on the UK government's one, which has been up and running since 2011. They've not been hacked at all.

**Ms. Eleanor McMahon:** Good. That's great to hear.

**Ms. Joanne McNair:** You can make it as secure or as unsecure as you want. All it means by "open source" is that it's on GitHub.

**Ms. Eleanor McMahon:** I know what that means, yes.

**Ms. Joanne McNair:** You download it and then you fix it the way you want.

*Interjections.*

**The Chair (Mr. Monte McNaughton):** Okay. If there is no further input and feedback, we'll reconvene next week.

**Mr. Steve Clark:** Wait—

**The Chair (Mr. Monte McNaughton):** I'm sorry. Mr. Clark?

**Mr. Steve Clark:** I think we should, by a motion, ask the researcher to table a report before the committee showing the comparison between the systems that we've studied over our several months of studying e-petitions.

**The Clerk of the Committee (Mr. Trevor Day):** Which models—

**Mr. Steve Clark:** She gave us a report and she has asked for our feedback. I believe that, based on this document that we got this week called Discussion Paper: E-Petition Process and Issues, we should look, in a chart format, at the processes and issues faced by the Legislatures and the Parliaments that have been a part of our review, so that, very easily, without having to go through all the pages, the members can see how a petition is tabled, how long it's up on the site and how it's communicated back to the petitioner, so that it will cause, I believe, quicker consensus by the committee.

**The Chair (Mr. Monte McNaughton):** Okay. We have a motion on the floor from Mr. Clark. Any further discussion?

**Mr. Bas Balkissoon:** More information doesn't hurt. If he wants it, we support it.

**The Chair (Mr. Monte McNaughton):** Do we agree? Agreed. Okay, see everyone next week.

*The committee adjourned at 1354.*





## CONTENTS

Wednesday 28 October 2015

Petitions .....	M-167
-----------------	-------

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### **Vice-Chair / Vice-Président**

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research





M-19

M-19

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 25 November 2015

# Journal des débats (Hansard)

Mercredi 25 novembre 2015

## Standing Committee on the Legislative Assembly

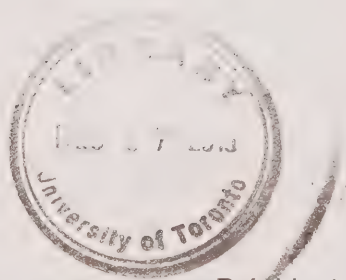
Petitions

Committee business

## Comité permanent de l'Assemblée législative

Pétitions

Travaux du comité



Chair: Monte McNaughton  
Clerk: Trevor Day

Président : Monte McNaughton  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 25 November 2015

Mercredi 25 novembre 2015

*The committee met at 1340 in committee room 1, following a closed session.*

## PETITIONS

**The Chair (Mr. Monte McNaughton):** We're now in open session of the Standing Committee of the Legislative Assembly. We concluded report writing on e-petitions.

Shall the draft report, as amended, carry? Carried.

Shall the subcommittee sign off on the draft report? Carried.

Shall the report be translated? Carried.

Shall the report be printed? Carried.

Shall I present the report to the House and move the adoption of its recommendations? Carried.

I am to let everybody know that the date for dissenting opinions is one week today, December 2, 2015.

**Mr. Steve Clark:** Point of order.

*Interjection.*

**The Chair (Mr. Monte McNaughton):** Sorry; first, Eleanor.

**Ms. Eleanor McMahon:** I don't know if this is a point of order, so forgive me, but while we're on the record, Mr. Chair, I just wanted to recognize and thank our table researcher for all of her excellent work.

I thank my colleagues opposite for a very good discussion, impassioned at times, but always instructive, and I'd like to thank you, Mr. Chair, as well.

## COMMITTEE BUSINESS

**The Chair (Mr. Monte McNaughton):** Mr. Clark on a point of order.

**Mr. Steve Clark:** A point of order: In the introduction of this report, it states the motion of February 18: "That, prior to commencing consideration of Bills 12, 27 and 42, the Standing Committee on the Legislative Assembly"—and it goes on and on about this report. My question to you, Chair, as I read this motion: Next week, we'll be dealing with Bill 12 at this committee. Is that correct?

**The Chair (Mr. Monte McNaughton):** Mr. Clark is right. That is what it says. If it's the will of the committee, we'll begin with Bill 12 next week.

*Interjections.*

**The Chair (Mr. Monte McNaughton):** We'd need a subcommittee.

**Mr. Bas Balkissoon:** Can we refer that to the subcommittee, to come back with an order?

**Mr. Steve Clark:** No, no. With all due respect, we had a motion at this committee programming these three bills, and the government brought an amendment to that motion. This motion is very clear that, before we deal with these three bills, we do a review of e-petitions. We've done it, we've passed it, and now we go back to that original motion. That's the correct parliamentary procedure.

**The Chair (Mr. Monte McNaughton):** We will need the details on how we proceed with Bill 12.

Mr. Balkissoon?

**Mr. Bas Balkissoon:** I hear Mr. Clark clearly. It has been eight months, nine months since that occurred. I think in fairness to all of us—and there are some new members on the committee—that that item be referred to you, as the Chair, with the subcommittee, to come back with a subcommittee report to us to proceed. If it comes at our meeting next Wednesday, that's fine too. I just think it should go there and get worked on.

**The Chair (Mr. Monte McNaughton):** Ms. Wong?

**Ms. Soo Wong:** With regard to Bill 12, which the member opposite is talking about, it has been customary practice for all standing committees that the subcommittee has the first priority to review any private member's bills—because this is not a government bill. So I would respectfully ask, Mr. Chair, that we reconvene the subcommittee. It's also customary practice that we consult the House leaders of all three parties, because in the past I have heard that they don't want the committee as a whole to negotiate which private member's bill. So I want to be respectful of all the House leaders in this place, and the fact that we, through your direction, Mr. Chair, first reconvene the subcommittee, but also bring notification to all the House leaders—because they do meet on a regular basis—with regard to this particular committee, because this is a private member's bill that will come forward. I don't know what's a priority for the member opposite and I do not want to disrespect or not have been heard. I do know that, as a Chair of another standing committee, I have been informed, not to say about this committee, that they do not want a private member's bill to be discussed through the subcommittee. They want it to be done through the House leaders. That's all.

**The Chair (Mr. Monte McNaughton):** Thanks, Ms. Wong. And just to remind you and the committee, this

committee determines its own mandate. That's how we will proceed, Mr. Clark?

**Mr. Steve Clark:** To me, we had a motion that was passed. The government amended it to do the standing committee review on e-petitions. I would think that Mr. Potts would want Bill 12, since it was programmed by a motion, to come before—I would think that Mr. Ballard would want Bill 42 to come forward. I would think the people of York region have waited very long for us to deal with Bill 42. We passed this motion at committee. This was amended at committee. I think we need to respect a duly passed motion and move forward with these bills. We agreed to this.

**The Chair (Mr. Monte McNaughton):** Mr. Ballard.

**Mr. Chris Ballard:** Simply, I just want to make the point—and it's prior to commencing consideration of Bills 12, 27 and 42—that I don't think there was any particular order that we wanted to consider those bills. I'm quite happy to send it back to our subcommittee to clarify for us how we want to move forward. Do we start with 12, 27 or 42? Do we put them all on the table at the same time?

**Mr. Steve Clark:** It's clear it's out of order.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha.

**Mr. Michael Mantha:** Might I suggest a five-minute recess, please?

**The Chair (Mr. Monte McNaughton):** We can have a five-minute recess if there's agreement amongst the committee.

**Mr. Bas Balkissoon:** I think he's making a request and we should agree to that. I agree.

**The Chair (Mr. Monte McNaughton):** A recess for five minutes.

*The committee recessed from 1347 to 1352.*

**The Chair (Mr. Monte McNaughton):** Okay, the committee is back in session. Mr. Clark.

**Mr. Steve Clark:** I just want to say that in our five-minute recess, I've had some second thoughts. I do agree with Mr. Balkissoon and Ms. Wong that because we're done this week, we can go into subcommittee and decide. I take Mr. Balkissoon and Ms. Wong at their word, that they're willing to have a subcommittee meeting and they'll be able to answer those questions on advertising and moving forward for next week. So I'm satisfied, based on the comments of the government members, and I'll let Mr. Mantha provide some comments.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha.

**Mr. Michael Mantha:** My understanding is that it's a custom to have PM discussions at the House leader's office as well. So I echo the comments that my friend has made here, and it looks like we're ready to adjourn today's discussions.

**Mr. Steve Clark:** I don't know if Ms. Wong or Mr. Balkissoon wants to make the motion they talked about, but I'm certainly willing to support Mr. Balkissoon and Ms. Wong and the way they wanted this to be dealt with at subcommittee. That would give an opportunity for the House leaders to talk about it as well. I agree with the government members' suggestion.

**The Chair (Mr. Monte McNaughton):** What I'm hearing is that the committee will meet next week, and the details will be worked out by the subcommittee in advance. Is that an agreement?

**Interjection:** Agreed.

**The Chair (Mr. Monte McNaughton):** Agreed? Okay, great. We're done. Adjourned. Thank you.

*The committee adjourned at 1354.*











## CONTENTS

Wednesday 25 November 2015

Petitions .....	M-175
Committee business .....	M-175

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### **Vice-Chair / Vice-Président**

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Joanne McNair, Table Research Clerk,  
Table Research



M-20



M-20

ISSN 1180-436X

## **Legislative Assembly of Ontario**

First Session, 41<sup>st</sup> Parliament

## **Assemblée législative de l'Ontario**

Première session, 41<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

**Wednesday 24 February 2016**

# **Journal des débats (Hansard)**

**Mercredi 24 février 2016**

## **Standing Committee on the Legislative Assembly**

**Municipal Amendment Act  
(Election of Chair  
of York Region), 2016**

## **Comité permanent de l'Assemblée législative**

**Loi de 2016 modifiant  
la Loi sur les municipalités  
(élection du président  
de la région de York)**

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 24 February 2016

Mercredi 24 février 2016

*The committee met at 1302 in committee room 1.*

## COMMITTEE BUSINESS

**The Chair (Mr. Monte McNaughton):** Welcome, everyone, to the Standing Committee on the Legislative Assembly. Before we begin, we have one item of house-keeping that I need to address.

On March 25, 2015, Mr. Hillier moved a motion regarding e-petitions. In the following debate, it was agreed that consideration of the motion be deferred. Members have a copy of this in front of them, I believe. That motion has remained on our agenda until today.

As the motion makes reference to a trial basis up until the end of the 2015 fall legislative session, I'm now prepared to rule this motion out of order as it refers to a time in the past that makes it impossible to fulfill.

**Mr. Bas Balkissoon:** You're an angel.

**The Chair (Mr. Monte McNaughton):** Thank you. We just wanted to get it off the agenda.

**Mr. Lou Rinaldi:** Off the books.

**The Chair (Mr. Monte McNaughton):** Off the books, yes.

MUNICIPAL AMENDMENT ACT  
(ELECTION OF CHAIR  
OF YORK REGION), 2016  
LOI DE 2016 MODIFIANT  
LA LOI SUR LES MUNICIPALITÉS  
(ÉLECTION DU PRÉSIDENT  
DE LA RÉGION DE YORK)

Consideration of the following bill:

Bill 42, An Act to amend the Municipal Act, 2001 to provide that the head of council of The Regional Municipality of York must be elected / Projet de loi 42, Loi modifiant la Loi de 2001 sur les municipalités pour prévoir que le président du conseil de la municipalité régionale de York doit être élu.

## MR. DARRYL WOLK

**The Chair (Mr. Monte McNaughton):** We're here today primarily to discuss Bill 42. Our first deputation—we've made some changes to the agenda today. The first one is Darryl Wolk. I would ask that you state your name. You'll have five minutes for your presentation and then each party will have three minutes to ask questions.

**Mr. Darryl Wolk:** Yes, absolutely. Thank you very much. My name is Darryl Wolk. Good afternoon to Clerk Day, Chair McNaughton and members of provincial Parliament who make up this committee.

Thank you very much for the opportunity to speak to Bill 42, on the election of the York region chair. My comments today are focused on the process of selecting the chair; I have no issue with the job performance of current chair Wayne Emmerson. My concern is that the appointment process for chair is not democratic or transparent.

The York region chair oversees a \$3-billion budget, including \$1.2 billion for capital projects. The chair is the face of York region, with responsibility for intergovernmental relations, transportation, human services, economic development and policing. Unfortunately, under the current appointment process, he faces no accountability or has no mandate from the people. He serves at the pleasure of his colleagues, who put him in that role.

The current population of York is over one million people and it's currently the fastest-growing municipality in Canada.

The issue of electing the York region chair is not new. Private members' bills have died on the order paper prior to being passed into law. Traditionally, the idea has had the support of all three parties represented in the Legislature. I'm thankful that MPP Chris Ballard has reintroduced this bill. It has passed second reading and currently sits at this committee.

The private member's bill was debated twice at York region council where I also made a deputation. With Newmarket's representatives split, York region council voted 14-5 against the election of regional chair, this despite Newmarket, Markham, Aurora, East Gwillimbury, Stouffville and other municipalities passing resolutions supporting Bill 42 at their local councils.

Common sense says that if residents were polled and asked if they prefer an appointment or an election to determine the head of York region, I think they would show overwhelmingly that they would prefer democratic elections.

It is obvious that most on York region council want nothing to do with direct elections. This is particularly true for those in the club thinking about retiring as mayor and hoping for the plum appointment next. It is easier to lobby for 11 votes behind the scenes than run in a region-wide democratic election based on ideas and a vision for the region as a whole.

The York region chair is the highest-paid head of council in Canada. York region also hosts the highest-paid mayor in Canada, from Markham, according to the *Toronto Star*. Even the mayor of the small town of Newmarket is collecting more than the Ontario finance minister. This is a prestigious club to belong to, and they want to keep the chair position to club members only. Instead of direct elections, favours are traded in the backroom, colleagues are lobbied over steak dinners, and committee requests are considered to get the majority of the 20 votes to effectively be mayor of York region.

It's time Queen's Park forced democracy on York region. The bill is straightforward and not controversial for residents of York region who do not currently sit on York region council. There is plenty of time to put an election process in place in time for the 2018 municipal election.

Around the GTA, chairs in Durham, Halton and Waterloo are currently elected directly by the people. We do not need to reinvent the wheel. We already know this can be done. York, Peel and Niagara are the only regions left where the council is still appointed. I would challenge any current York region council member to point out any problems in Waterloo, Durham or Halton that have arisen as a result of the people directly electing their chair.

There are many issues that could be discussed related to the Municipal Elections Act and the Municipal Act. There are many issues that can be discussed about proportional representation or what other jurisdictions are doing. Those issues should be debated separately from Bill 42. When it comes to democracy and transparency, York region should attempt to be first out of the gate and not last.

In the local media, a York region-based cabinet minister was quoted in a local paper as calling the appointment process of York region "a joke." He is correct. In York, the last chair appointment was a common-sense choice: Two candidates ran and lobbying had begun well before the municipal election. Most members returned already decided on who they would appoint. Outsiders were shut out. The regional councillor who defeated me in the municipal election announced days after his election that he would run for the chair appointment. That would have caused an expensive by-election in Newmarket, but in the end, he was defeated handily by Emmerson.

Theoretically, had council appointed John Taylor, we could have had two by-elections in Newmarket caused by the appointment. That would have been possible had a ward councillor challenged for the regional seat and won, triggering a second by-election in the vacant ward. Time and money would have been wasted.

Alternatively, a ward councillor could have been appointed to the regional councillor seat with someone not on council appointed to represent the ward. With a full term ahead, that would have been unacceptable. It makes more sense to just add the chair to the ballot during the municipal election and simply allow residents of York region to decide.

In the case of Peel region, taxpayers were not so lucky. The Mississauga ward 4 councillor ran for chair shortly after getting elected and was rewarded with the ability to vote for himself. He faced four opponents for chair that were not members of Peel council, resulting in quality outsiders at least being considered. After several rounds of voting, the final three candidates were Frank Dale, John Sanderson and Steve Mahoney. Things got strange when Mahoney and Sanderson were tied for second. To break the tie, Mahoney was eliminated by not having his own name drawn out of a hat. In the final round, Frank Dale was able to vote for himself and John Sanderson was not. This led to Frank Dale winning in the end.

**The Chair (Mr. Monte McNaughton):** Sorry, I have to cut you off. It's been five minutes now. We'll start with the official opposition. Mr. Hardeman.

**Mr. Ernie Hardeman:** Thank you very much for the presentation. It seems fairly straightforward when you have a position, the head of a council—that if the whole council is elected it would seem fairly obvious that electing the head of council would also be a concern.

You mentioned in your presentation the cost of politics, the price of the mayor and the price of the regional chair. Do you have any concerns that when you make that an elected position, in an area of over 1.1 million people, I think you said, and two people have to go out and run an election in that area for that job, that's going to automatically require a very good salary in order for anyone to be able to invest that kind of capital to get elected? Do you have any concerns about that?

1310

**Mr. Darryl Wolk:** Yes, certainly, in municipal elections, whether you run for mayor or—in the case of regional council, I put up about \$25,000 of my own money to run.

Ultimately, it would be expensive to run region-wide, but it wouldn't be expensive to the taxpayer, because, through the Municipal Elections Act, you'd have a cap on spending and there's a cap on donations. Some people may try and self-finance; others may try and seek out donations.

I know Mr. Coe comes from Durham region, where they just decided to elect their chair. For me, while there might be a cost and while it may limit certain people, particularly ones with a high profile or perhaps laypeople who have the means to do it, what it would allow in York region—when I ran for office, for regional councillor, in Newmarket, nobody really discussed regional issues. In fact, many people didn't know what a regional councillor was or anything that was happening at the regional level.

I think a high-profile election in nine different communities would give people an opportunity to think about what's happening in Markham, Vaughan, the region as a whole, the waterfront and Simcoe county, and hopefully draw some more interest in the regional process generally.

**Mr. Ernie Hardeman:** Okay. Lorne?

**Mr. Lorne Coe:** Yes, through you, Chair—



**The Chair (Mr. Monte McNaughton):** Thirty seconds.

**Mr. Lorne Coe:** —to the delegation: Can you speak a little bit about the experience and research that you might have done about the practice in Halton and Durham region that you just alluded to?

**Mr. Darryl Wolk:** Yes. I know—

**Mr. Lorne Coe:** And Waterloo and how they got to that particular point?

**Mr. Darryl Wolk:** I know in the case of Durham, it was a referendum, if I'm not mistaken. Off the top of my head, I'm not sure how Waterloo and Halton initially decided to go in the direction of electing their chair, but I do know Gary Carr in Halton has been elected for at least two terms now. Ultimately, in Waterloo, it's been at least two terms as well, from what I understand.

**The Chair (Mr. Monte McNaughton):** We're going to move now to the third party and Mr. Mantha.

**Mr. Michael Mantha:** I just wanted to share with my friends across the way that I just had a very nice post from my wife. I just wanted to let them know that this morning I told her, "The first time I saw you, my heart whispered 'You're the one.'" She just responded to me and blew me a kiss. That's what I was doing.

**Ms. Eleanor McMahon:** That's sweet.

**Mr. Michael Mantha:** Isn't that nice? I'm a big moo-moo.

Anyway, in your—

*Interjections.*

**Mr. Michael Mantha:** Come on, that's in the record; that's going to go. She's going to read it. I get points.

In your opening comments, you were cut off. I want to give you the chance to say something, or anything, that you didn't get a chance to cover. Go ahead.

**Mr. Darryl Wolk:** There were a couple of excuses that were brought up last time about how the south would always win, and I just wanted to mention that there's no guarantee of that. It's quite possible that you would have a candidate from Markham and Vaughan going against each other; there's always a possibility of two Markham candidates who would split the vote. There are residents of York region, such as Helena Jacek or Frank Klees who were from northern York region, who I think would have the profile to compete for the chair position if it was elected.

The other thing I wanted to point out is, the main point out of this was—actually, I still have quite a bit left, but it was mostly just addressing some of the arguments that had been put forward by members of regional council during their debate about why the chair shouldn't be elected.

**Mr. Michael Mantha:** I'm one who is all for democracy. That's one of the biggest reasons why we're all sitting here around this table. Why is it not working here, or why would it be better if it would work through that process?

**Mr. Darryl Wolk:** I think it would be better, first of all, because the chair would have an actual mandate to

take the region in a vision that would be supported by the people.

Right now there's no issue with the way that Chair Emmerson is performing, but the reality is that he's only accountable to the people who appointed him, and he's not accountable to the people at all. As a result, there was no interest from the general public in terms of how this appointment was made; there was no set of visions that you could choose between for the region as a whole.

All members of York region council will likely tell you—at least this was my experience at the doors—that if you're running in Newmarket, you're going to spend your time focused on Newmarket issues. You're not going to talk about the York region subway proposal; you're not going to talk about the NHL arena proposal in Markham; you're not going to talk about casinos in Vaughan or the waterfront in Lake Simcoe; you're just going to talk about the issues that are facing your own community.

I think regional issues, which, to be honest with you, are where the majority of taxpayer money goes, are important, but they just don't get the type of profile and there isn't really a transparent process right now as far as both how the chair is appointed or, really, how decisions are made because the media doesn't cover it, it's not televised and most people don't even know that regional government exists.

**Mr. Michael Mantha:** You mentioned, on several occasions, transparency and accountability during your presentation. How is this going to change with an elected member?

**Mr. Darryl Wolk:** I'll put it this way: If you were to run in a region-wide election you'd have to run on a platform and be—

**The Chair (Mr. Monte McNaughton):** I'm sorry. I've got to move to the government and Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much for coming forward today and making a presentation. It's certainly appreciated.

A number of the comments that you're making, those of us involved in this debate in York region have heard time and time again. I think what's of interest to me from your perspective, because you've been involved in the local political scene for many years, is the impact that direct election of a regional chair might have on the taxpayer's and the public's knowledge of what the region is and what services it delivers. Do you have any thoughts or any comments on that?

**Mr. Darryl Wolk:** What I would be most excited about would be that regional chair platform. The argument was that, basically, it's only one vote on the regional council, so therefore the position is not powerful. But if you take that argument, then no mayor is powerful, because we have a one-mayor, one-vote system right now. Nobody would make the suggestion that, in Markham, the ward councillors should appoint the mayor.

The way the appointment process works right now, frankly, is that you need to get 11 votes, and you wheel and deal behind the scenes. Had I been elected, I wanted



to annex a road called Green Lane that was part of East Gwillimbury. That would have been my offer to the two candidates, and whoever cut the deal would have gotten my vote. If that didn't work, then potentially I would have asked for the chair of the human services committee.

This is not the way you conduct democracy, and it's not the way to make decisions on regional issues or municipal issues. Certainly, an election is transparent. Who knows what deals Emmerson made before the election when he decided he was going to retire as Stouffville mayor, knowing that he had the chair position in his pocket?

**Mr. Chris Ballard:** Okay, but just to follow up, from your perspective, from your experience, how aware are people in York region of regional government and what it does and how much, in terms of a percentage, it is of their municipal tax bill?

**Mr. Darryl Wolk:** Well, I would go door to door and say, "Hello. My name is Darryl Wolk and I'm running for regional council." People would look at me like I had three heads. I had to change the title to deputy mayor of Newmarket so that people understood what I was running for.

Newmarket is actually the capital of York region; we have the regional headquarters right in our own community. But most people don't know that there's a regional council, and they have no idea what's discussed at the regional council. They are used to dealing with issues such as garbage, local transit, local jobs and property taxes at the municipality itself. But nobody knows that York region has the highest debt per capita in the province; nobody really gets an opportunity to discuss anything to do with human services or the fair-share issue I talk about often in Peel. The fact that it's not even televised and that meetings happen during the day—people work. They don't have an ability to go and find out after the fact. It's just a big black hole. I've even heard from municipal councillors that they don't get communication about what's happening at the upper tier level of government and they find out things after the fact.

**The Chair (Mr. Monte McNaughton):** Thank you very much, Mr. Wolk, for presenting today.

**Mr. Darryl Wolk:** All right, thank you.

MS. GLORIA RESZLER

**The Chair (Mr. Monte McNaughton):** We'll move now to our next deputant. I'd like to welcome Gloria Reszler, who is joining us by teleconference today. I believe she's on the phone.

**Ms. Gloria Reszler:** Yes, I am.

**The Chair (Mr. Monte McNaughton):** Gloria, if you could introduce yourself, and I just want to let you know that you'll have five minutes to make a presentation. Each party has three minutes to ask questions, and we'll begin with the NDP.

**Ms. Gloria Reszler:** Great. Good afternoon, everyone. My name is Gloria Reszler, and I thank you for the opportunity of presenting my thoughts and concerns

about the private member's bill put forward by MPP Chris Ballard.

My family and I have enjoyed living in York region since 1988: first Aurora, then rural King township, and finally Newmarket. With the ongoing growth in York region, these municipalities have changed.

Having moved from the city of Scarborough to York region and having been active in various local groups within Scarborough, I have developed a strong understanding and appreciation of the importance of a council, its elected members, and the role that the elected officials have with democracy.

The election of the chair for York region is important to the citizens of the region and, in my view, has been very long overdue. As you know, to date, there have been several other MPPs, namely Reza Moridi and Dr. Jaczek, who have had the foresight to see that electing the chair of York region by the citizens of York region should be carried out.

In the years of living in York region, I've been involved with numerous community-based projects; i.e., starting a ratepayers' group; being a founding member of the Oak Ridges moraine STORM and representing the organization on the provincial body creating that legislation; making many deputations to York region council and to various municipalities; coordinating several groups that came together to try and set up a ward system; and the Aurora Historical Society. So I have been active.

1320

Over the many years, residents, friends and neighbours have expressed to me their concern and disappointment in not being able to elect a chair of York region. So now is the time for this to happen.

There are almost two distinct regions of York region: the southern part, i.e. Vaughan, Markham and Richmond Hill; and the northern aspect being Aurora, Newmarket, East Gwillimbury, Whitchurch-Stouffville, as well as King township. These two distinct areas will be of concern in terms of electing a regional chair and for that chair being able to guide all areas of the region in the future.

Residents want the opportunity to elect the chair and must be put on the ballot for 2018. They understand that the chair will earn at least \$200,000 and more, and really want an open and balanced approach to the region. The various councils in the region have voted to have an elected chair, but it's a shame that all but one mayor has not supported their councils.

Here are a few of my key concerns. Candidates running for election for the chair position: What will be their capabilities, professional training, past experience? Not all current elected officials in the region have that wide range of capability which is needed for this region. There should be a limit to the election spending to help ensure that a good and fair cross-section of candidates can run.

York region is one of the fastest-growing municipalities in Canada, and a new approach to governing must be implemented in time for the 2018 election. The residents of York region deserve to elect their chair. Thank you for your time.



**The Chair (Mr. Monte McNaughton):** Thank you very much, Gloria. We'll move now to Mr. Mantha from the NDP.

**Mr. Michael Mantha:** Hi, Gloria. How are you doing this afternoon?

**Ms. Gloria Reszler:** I'm good. I wish it hadn't been such a bad weather day today.

**Mr. Michael Mantha:** That's something that I experience quite often coming from northern Ontario. I travel the highways twice a week, and I understand you having difficulties getting up.

My one question that I have for you: Do you think an individual who is overseeing a potential budget of about \$3 billion would need to have a role or actually a responsibility to the entire region and not just a particular section of it?

**Ms. Gloria Reszler:** Yes. It should be the entire region, and that's why I stressed my concern about the north and the south, shall we say. The individual, if it were an existing elected official, may not have that capability. That's why it's so critical for the residents to have the opportunity to choose and examine and see what the candidates are all about.

**Mr. Michael Mantha:** What do you see as a negative with continuing the status quo?

**Ms. Gloria Reszler:** A couple of things. Mr. Emmerson has stepped up to the plate and trying to do his best. In some respects, coming from a small community, that's a good perspective for those who are in the northern reach. But having worked for a mayor of Scarborough, having worked for three cabinet ministers, I know the deal-making that can go on, the discussions that can go on in camera etc.

I think that is a negative side to a chair that is not elected, first of all. Second of all, you need to have residents being very involved in this region because of the decisions that are going to have to be made. I think this whole dialogue right now, the debate about an elected official earning good money, has gotten residents excited. The people I've talked to are keen to have a chance to vote.

**Mr. Michael Mantha:** Thank you, Gloria.

**The Chair (Mr. Monte McNaughton):** Great. Thanks. We'll move now to Ms. Wong from the government.

**Ms. Soo Wong:** Ms. Reszler, thank you very much for joining us this afternoon. I hope the weather's not too bad up in York region.

I'm going to show my biases. I did work for York region for a number of years. You can thank me or be upset with me about your York region no-smoking bylaw. I was the lady who brought forth your no-smoking bylaw.

I also recognize that you're from Scarborough originally. I am a Scarborough member.

I want to ask you, Ms. Reszler, with regard to Bill 42, if passed, how it would provide opportunity for the citizens. Your community across York region is becoming very diverse; do you believe, if we passed this proposed legislation that my colleague Mr. Ballard put

forward, that it would allow more representation in terms of the diverse population? I know I met some of the Chinese in Newmarket recently at a Chinese function. I wanted to hear your comments about this proposed legislation being more inclusive in York region.

**Ms. Gloria Reszler:** Absolutely. That's one of the key components that are evolving with York region. We are having more diversity coming, so the expectation for those individuals is that we have a democracy here that we can choose and select. By having an elected chair, that individual—he or she—is going to have to connect with so many different elements in this region. That, I think, a non-elected chair doesn't have to do.

**Ms. Soo Wong:** Can I also ask you why you think the York regional council recently voted against this proposed legislation? As a resident in York region, what do you think about that?

**Ms. Gloria Reszler:** Well, I was a little surprised. I mean, it was 15 to 4, so it wasn't totally defeated. What shocks me more so is that so many of the councils have endorsed Chris Ballard's bill, but the mayors have not. Why is that?

The people I've spoken to are thinking that there must be deals being made by the mayors. It's creating too much negativity, and too many wonder what the heck is going on behind the scenes. I think it's really important that this bill gets through, and that the councillors who have endorsed the bill have an opportunity to sell that, shall we say, to their ward residents.

**Ms. Soo Wong:** Okay. Because of time limit, I only have a quick question for you: With regard to the constituents or the residents of York region, can you share with the committee—there are some concerns raised about the cost of electing a York regional chair. Do you think this will increase the cost of electing a York regional chair in York region?

**Ms. Gloria Reszler:** Yes. That's one of the comments I have put in my notes. I don't know if Mr. Day has had a chance to circulate that to you, but—

**Ms. Soo Wong:** It has been circulated.

**Ms. Gloria Reszler:** Yes. So, I think that \$600,000 for someone to get elected is a huge amount of money. Again, the residents I've spoken to are shocked that that may be the case, so I've asked that there should be a limit of a lesser amount of money put on that. A variety of candidates—

**The Chair (Mr. Monte McNaughton):** Thank you very much, Gloria. Sorry to cut you off, but thank you for presenting today—

*Interjection.*

**The Chair (Mr. Monte McNaughton):** Oh, I'm sorry, Gloria. I forgot that we have to move to the official opposition now. Mr. Hardeman?

**Mr. Ernie Hardeman:** Thank you very much, Mr. Chair, and thank you very much, Gloria, for making your presentation.

Just a couple of quick questions. I noticed in your presentation that you spoke about how you know that to date there have been other attempts to do this. One was



Reza Moridi and Helena Jaczek, who both introduced a bill like this. You then go on to say that unfortunately their efforts were not successful, but now Mr. Ballard's bill can and should change that. I wondered what it was, except that he's a very nice gentleman sitting across from me, that you think has changed that would make this one more successful.

**Ms. Gloria Reszler:** I think Mr. Ballard, having been a municipal councillor in Aurora, had a different aspect than perhaps Dr. Moridi or Dr. Jaczek might have. Dr. Jaczek, being a bureaucrat for York region for a number years as the medical officer of health, also had a very different perspective.

But I think the time is such that now the residents want to vote. They want to change. Look at Justin Trudeau: In the country, residents are wanting more democracy and more openness. I hope that explains, Mr. Hardeman, why this has transpired this time.

**Mr. Ernie Hardeman:** Thank you very much. The other thing I wanted to say: I very much agree with you that times have changed since the region was formed and we elected someone. I guess the question really is, how could you possibly have a council where the head of council is just appointed? Can you imagine the city of Toronto not having an election for mayor and letting the councillors pick the leader? I totally agree with looking at this change.

1330

But I do want to put in one point: When it was structured to appoint the chair the way they did, it gave absolutely no authority or no responsibility except to run council. All decisions came through council. That's somewhat changed, but legislatively it hasn't. Do you think we need to change legislation to also give this new elected office something to do?

**Ms. Gloria Reszler:** Absolutely, it's critical. First of all, there's \$3-point-whatever billion currently in York region, and in the future, that's of course going to escalate. I think it's critical that he or she has that opportunity to do a very different kind of job.

We need to get more business and more industry, so that just constructing houses is not going to be the only way to get taxes into this region. Because of the difference between the south and north geographically—the landscape, agricultural lands, Oak Ridges moraine, water—this is going to be one heck of a job for an elected chair to do. That's why I talked earlier about that individual having a wide range of skills that they need to have.

**Mr. Ernie Hardeman:** Thank you very much for the answer.

**The Chair (Mr. Monte McNaughton):** Thank you, Gloria. Time has run out.

#### BROWNRIDGE RATEPAYERS ASSOCIATION

**The Chair (Mr. Monte McNaughton):** We'll now try to get the Brownridge Ratepayers Association on the telephone. It will be another teleconference.

I'd like to welcome Mario Racco, the president of the Brownridge Ratepayers Association and a former member. If you would introduce yourself, you'll have five minutes to do your presentation. Each party will have three minutes to ask questions.

**Mr. Mario G. Racco:** Thank you, Mr. Chairman and members of the Standing Committee of the Legislative Assembly. I am Mario G. Racco and I'm the president and the contact person for the Brownridge Ratepayers Association. The contact information is 21 Checker Court, Thornhill, Ontario, L4J 5X4. My telephone number is 905-760-0330. The email is—

**The Chair (Mr. Monte McNaughton):** That's okay, Mario. You can continue.

**Mr. Mario G. Racco:** Okay, thank you. I thought I had to do that.

I am speaking in favour of Bill 42, An Act to amend the Municipal Act, 2001 to provide that the head of council of The Regional Municipality of York must be elected.

Mr. Chairman and members of the Legislative Assembly committee, I'm speaking in favour of Bill 42 because, as a resident of the region of York and as someone who believes strongly in the democratic political process, I have been offended by the inaction on the most important political position in the region of York. The process started in 2011, but as we know, it has been delayed so that it was never made into law.

I commend the province for giving the opportunity to the region to make their request, but since the region is not willing to do so, I believe that it is time that the province take leadership on this file and approve Bill 42. The province legislated the appointment of the regional chair in 1971, 45 years ago, when the population of the region of York was 169,000 people. Today, we have 1.2 million residents, and this number is growing every year.

Mr. Chairman, first of all, I wish to thank MPP Ballard for introducing Bill 42 and taking strong leadership on this file and getting support from members of all three parties in the House. I also want to thank the members of the three parties who have shown support for MPP Ballard's bill.

I believe that all the committee members are aware of the political dancing around this issue because of the five members of regional council who have argued in favour of an elected chair. I want to commend them and thank them for their commitment and respect for the voters of the region of York.

If I can raise a few concerns, I wish to warn the members of your committee that many members of the regional council have raised matters that are not real issues, but are things that may deflect from what the bill is trying to achieve. Many members of the region have argued that they are evaluating the potential benefit of the bill, that they need more time and that they are worried about the cost to run a regional chair campaign, or that they know what is best for the region; therefore, they are the best to choose the chair. The last point should offend all of you as elected members.



All this is nonsense, Mr. Chairman. What those individuals want to do is what is best for their political benefit. This honourable committee will see it as is, and will avoid any trappings such as when they ask you to do more studies, or say that the bill is not addressing all the issues. Their objective is to delay the passing of the bill so that it will not be implemented on time to be enforceable in the 2018 election.

Yes, there are consultants and politicians who are lobbying to prevent Bill 42 from passing, but there are many honourable members on this committee who I trust will do the right thing and make sure Bill 42 will become law.

One way to finalize this important bill that will improve democracy in the region of York is to strongly support the bill and speak with your party colleagues to support it in the House.

Democracy has never been inexpensive. A federal or provincial election is more expensive than electing the chair of the region, and so is electing the mayor of Toronto, yet we do that.

The region needs a chair who is elected by the people for the people, someone who will campaign on issues important to the people and who is elected because of the issues that she or he has championed during an election. Without that type of leadership, our traffic problems will get bigger; our planning will be reactionary, instead of being planned on planning merits; and our social services and health needs will be delayed.

**The Chair (Mr. Monte McNaughton):** Thank you very much, Mr. Racco. We're going to move to questions now. We'll start with the government: Mr. Rinaldi.

**Mr. Lou Rinaldi:** Mario, it's good to hear from you again.

**Mr. Mario G. Racco:** Thank you. Sorry, I have a little fever today; otherwise, I would love to be there.

**Mr. Lou Rinaldi:** Yes, and we miss your espresso machine down here.

A short question for you: You know that there's been a Municipal Act review, a consultation earlier on—well, I guess in the last year—that we have to do and that happens after every municipal election. Did your association make a submission to—

**Mr. Mario G. Racco:** No.

**Mr. Lou Rinaldi:** I'm sorry?

**Mr. Mario G. Racco:** The answer is no. No, we did not make any submission.

**Mr. Lou Rinaldi:** You didn't. Okay. All right. Thank you. I'll pass it back to Mr. Ballard.

**Ms. Eleanor McMahon:** Thank you, Mr. Chair.

**The Chair (Mr. Monte McNaughton):** Ms. McMahon?

**Ms. Eleanor McMahon:** Mario, hi. It's Eleanor McMahon. I'm the MPP for Burlington.

**Mr. Mario G. Racco:** Hi.

**Ms. Eleanor McMahon:** Thank you for your presentation today. I'm obviously in Halton region, where we have an elected chair. We just finished the OGRA/ROMA conference—you know OGRA/ROMA

well—and in the context of that had many good conversations with our regional chair. We met with them last week. It's a great forum for us in Halton to discuss issues of common interest and concern.

How do you see the election of a chair in York region potentially contributing to an evolving role of the chair? I know that Gary Carr has a very specific mandate. He works very co-operatively with all the officials, the mayors and certainly his colleague MPPs. Can you speak a little bit about that and how having an elected chair would actually improve that conversation and that role?

**Mr. Mario G. Racco:** Well, it will, for a simple reason that the chair will have a mandate from the people, and he or she doesn't have to be responding to specific requests, which is what's happening right now. The mayor, or even a regional council, may call the chair and push an item that he or she feels is important. The moment that you have an elected chair, that person will have made clear what his or her priorities are, and I think he or she will have to speak to those priorities, just like every mayor or Prime Minister to some degree has to do.

I think that will be a significant improvement. I realize that in your region on the first election things didn't get very exciting, but we've got to start the process. The moment the process starts, I think more people will get involved and the issues will be defined, and people must deliver, because if they don't deliver, they will not be re-elected. I think that's the benefit of having the chair. I think the chair doesn't have to worry that the mayor of Vaughan, who has four votes, or the mayor of Markham with five votes might be able to change things if he or she doesn't do what they request him to do, basically. That's what's happening right now.

1340

**Ms. Eleanor McMahon:** Thank you, Mr. Chair.

**The Chair (Mr. Monte McNaughton):** We'll move now to the official opposition. Mr. Hardeman?

**Mr. Ernie Hardeman:** Thank you very much, Mario, for the presentation. We've heard a bit of discussion about the question of why it is that the present structure is not, shall we say, 100% supportive of the change. Some might want to ask the question why that would be. I just want to put in that I had the privilege of being appointed as a regional chair for a term. I wasn't elected, and I can tell everybody here, and you, Mario, that I thought I did as good a job doing it as anyone who had been elected to it. So I think it's a natural thing that the people presently there are not necessarily seeing the need.

I think we all see the need in the accountability of it when you go beyond the present structure to say that if someone is going to be in charge—incidentally, when I was regional chair, I was also the mayor of one of the municipalities at the same time, so I was elected by some of the people, just not by all the people. In this case, of course, the person is elected only by the 20 people sitting around the table, and it really doesn't shine a light on the accountability.

**Mr. Mario G. Racco:** Exactly.



**Mr. Ernie Hardeman:** In our structure, we have two or three times now had a major event with a considerable debate within our county during a term of office, and in all cases where the public objected to that happening, in the next election, the one who was the regional chair at the time it happened was defeated in their own municipality. That tells me that, in fact, the people need to have a say when the head of council gets to make major decisions that affect the public. So I think this really points out the need for looking at changing from where it used to be. Have you got any comments on that, Mario?

**Mr. Mario G. Racco:** I appreciate your experience, but I think you said it correctly: Transparency will never be the same. We don't really know what the priorities are unless we debate them. If we don't believe in that, then why are we electing Prime Ministers and Premiers? We do those things because we want to tell the people what is important, in our opinion, in the community and we want to achieve those objectives. If we don't do that at the regional chair, which is the most important political position in the region, then we really don't have much to compare.

Look at the hospital situation in our region. Look at transportation—it's a disaster. Look at the social services; look at what's happening in the Toronto Star yesterday and today. We've got people calling our kids terrible descriptions because nobody, quite frankly, is being challenged and nobody has taken a leadership position at the regional level to say, "Those behaviours are not allowed and I'm going to do something as a chair to make sure those things don't happen."

We are doing it almost everywhere else that counts—Toronto's doing it. How in this world should the region of York not do it?

**The Chair (Mr. Monte McNaughton):** We'll move now to the third party. Mr. Mantha?

**Mr. Michael Mantha:** Yes. Thank you for joining us this afternoon. I have a question for my friend. When did you serve as chair?

**Mr. Mario G. Racco:** From 2003 to 2007.

**Mr. Michael Mantha:** Oh, no, my friend here, Mr. Hardeman.

**Mr. Ernie Hardeman:** In 1989, 1990 and 1991.

**Mr. Michael Mantha:** And this was originated in—oh, no, okay, there's no connection there.

**Mr. Mario G. Racco:** No, no.

**Mr. Michael Mantha:** I'm good with that.

I have one quick question for you. In your opening comments, you talked about the inaction of the chairperson and some of the concerns that you raised. How will electing an individual eliminate those concerns?

**Mr. Mario G. Racco:** Easily. He or she will be raising those issues—whoever is going to run for the position, I guess, will agree or disagree or make their own position. Then, when the election is over, we are clear what commitments were made and we expect them to deliver. So I think there is a priority already in the public's mind and the chair cannot ignore them.

Right now there is no such thing. We don't know what the chair's going to do because, quite frankly, we don't elect the chair. The mayors somehow twist some arms of the regional councillors to stick together as a group—it doesn't happen all the time, but that's the type of approach that's taking place at the region of York. So a few people, quite frankly, make that decision. The community doesn't go to the region to participate in those debates. The community sometimes goes to the city level to participate in debates.

And so there is such a disconnect between the people and the regional council, and the only way to be clear on what's important to the people and what committee members—the politicians—have made is by adding an elected chair, or whatever name you choose to give it. This is democracy. In fact, to quote somebody, "This is 2016."

**Mr. Michael Mantha:** So some individuals might say that in order to create more transparency and accountability, that's why you have an election, and it also creates a greater engagement by those that you actually elect. How do you see a greater engagement from the elected individual for the area?

**Mr. Mario G. Racco:** Well, the chair will have to have some meetings during an election and prior to an election so that the community will know who he or she is, and support or disagree with those petitions. By doing those things, sir, you are increasing participation. You are motivating some people, either in a positive way or sometimes, unfortunately, in a negative way. But there is participation, and when there is participation we can only do better, not worse.

Debate, discussion and disagreements should be part of democracy, where people will raise an issue as they see it and others will disagree or agree with that issue. At the end of the day we tend to come up with the best solution possible because there is not just one person deciding but a larger number deciding. That's why we need it. At the region, that is not happening right now.

**The Chair (Mr. Monte McNaughton):** Okay. Thank you very much, Mr. Racco, for your presentation.

MR. JASON CHERNIAK

**The Chair (Mr. Monte McNaughton):** We're now going to move to our next deputant: Jason Cherniak. If you would introduce, and you will have five minutes for your presentation and three minutes from each party for questioning.

**Mr. Jason Cherniak:** Thank you, Mr. Chair. My name is Jason Cherniak. Good afternoon, and thank you for the opportunity to speak on this important issue. I grew up in Richmond Hill, and I now live there with my own family. I started a law firm there that I still run in Richmond Hill. In my work, I deal with a couple of the towns in the region on a fairly regular basis, including politicians and staff.

I'm here to speak on my own behalf, but you should know that I'm on the board of the Richmond Hill Cham-



ber of Commerce and the government affairs committee. I'm a past president of the Richmond Hill Rotary Club and I'm currently an assistant district governor for Rotary regionally, so I deal with people from Newmarket, Aurora and Kleinburg, all within York region as well. I'm on the governance and nominations committee for the Mackenzie Richmond Hill Hospital foundation and I'm a board member of Chateau-Pâpe Theatre Productions, which is a local theatre company that travels around the region. Again, though, I stress that I'm here to speak on my own behalf.

I've read the second reading debate. I'm not going to go through what you have heard there and what you have heard here already today. What I would like to do is give you a sense of what the growth in York region means on the ground.

When I first moved to Richmond Hill in 1987, it was a former farmer's field and forest that separated Markham from Richmond Hill. If you drove along Yonge Street, you would hit old Richmond Hill, then there was a forest, then Oak Ridges, another forest and then Aurora, and Newmarket seemed like it was a world away. To get to Kleinburg, you drove through the wilderness, it seemed, along Major Mackenzie.

Most of those boundaries are now houses and businesses. There are no longer the forests that used to separate the different communities. As the region has grown, as those boundaries have fallen down, a lot of the region's residents have begun volunteering and going to the same events—the Newmarket Jazz Festival, for example. They travel to Stouffville for the annual strawberry festival. They can take the bus to the Richmond Hill Rotary craft beer festival, which is on August 6 this year.

The region, meanwhile, is spending billions of dollars to build rapid bus transit lanes along Yonge Street, Highway 7 and Davis Drive. This is, again, connecting the region, making it easier for us to live and work and play together. I'll note, as well, that we really need the Yonge Street subway extension north as the last mile for that regional transportation system.

That's the real problem with the current system: The regional chair is not bringing all those different communities together. It's not representing the change we've seen in York region. I'd ask you to consider the alternative to what we currently have.

As we approach 2018, municipal politicians are going to start going from community to community. They're going to be meeting with local non-profit groups, they're going to meet with businesses and they're going to start getting to know different parts of York region that they don't already live in or represent. Those politicians are going to do their outreach. They're going to put together teams. The good ones are going to have representatives in each part of York region, and those teams are going to get to know each other, further increasing the connections between the different towns and cities that we have.

Once the election finally begins, the politicians and their volunteers are going to go door-to-door. They're

doing to be talking to the average person; they're going to be engaging with them and helping them understand what the regional issues are and also getting a feel for what local residents are concerned about, which they may not know already.

1350

I assume, with different people running, we're also going to have some brainstorming and some good policy ideas, and maybe a debate, instead of essentially the consensus that's been going on in York region for a long time. Ultimately, it's going to be a free market of ideas, and the best ideas are going to win out hopefully.

I know that it would be easy to look at the region of York's motion that's just been passed—they formed a committee that's going to report in December—and say, "Let's wait for that committee report." I'd suggest the opposite. I think that this committee and the Legislature should pass this bill, make sure that it's going to be an elected chair, and tell the region of York, "It's now your job to talk about how that election is going to happen and what the role is going to be in that election for the region and for the various politicians." Don't let them talk about whether there should be an election.

You can imagine what the councillors were discussing at that meeting: "Well, if we have a committee, we don't have to support Bill 42." That doesn't mean everyone who voted against the motion to support this bill actually opposes the bill. They were just waiting for the committee report in many cases.

When I grew up in York region, Bill Fisch was appointed regional chair while I was in high school. A decade later, I started my law firm and he was still regional chair. He stayed there for another seven years after that. Over that same period, Richmond Hill politicians Vito Spatafora, Brenda Hogg and Dave Barrow were all re-elected six different times. They all sat on regional council with Bill Fisch. I'm pretty sure that if Bill Fisch had been running in an election, he would have been re-elected just as they were, and we would have had a successful council. And if not, so be it; that's democracy.

York region is a growing community and it has a growing sense of self. It's time for us to elect a regional chair who helps build connections between the communities, has democratic accountability and has democratic credibility.

**The Chair (Mr. Monte McNaughton):** Right on—to the second. We'll start with Mr. Coe from the official opposition.

**Mr. Lorne Coe:** Thank you and welcome. Prior to being elected as the MPP for Whitby–Oshawa, I was a Durham regional councillor for four consecutive turns, and we went through the process overall. Part of the process still included a referendum within the eight municipalities that formed the region of Durham. To what extent has that discussion taken place, in your knowledge?

**Mr. Jason Cherniak:** I don't know that there's been a lot of discussion about it, except to say that people



wonder whether there should be a referendum first. I believe, as the current act now stands, every town council would have to pass its own resolution to elect the regional chair, so the referendum wouldn't necessarily even be binding if it were to happen that way. Ideally, this would have been done before the last election when Bill Fisch retired. At this point, Mr. Emmerson is doing a great job, and I'm sure that if he wants to, he can run in an election.

**Mr. Lorne Coe:** All right. Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Hardeman?

**Mr. Ernie Hardeman:** I just wondered—you spoke about the appointments being appointed over a long period of time because, obviously, of the experience. When they have to appoint a new one, the most experienced person for the job is the one who's already doing it. What is it that you see that would—and you spoke about the councillors who have also been there and they do get elected—what makes you think that that would change, that the person, as long as they wanted to keep doing it, wouldn't just get re-elected?

**Mr. Jason Cherniak:** There's no guarantee it would change, but it would be up to the people to make that decision. What I think is important is that the person who keeps getting re-elected instead of reappointed is going to have an election period where they're out shaking hands and doing what politicians do. I think that, if you really believe in democracy, that's the whole point of democracy: It gives you a connection to the people. We have a CAO in York region. We don't need an elected chair who is an administrator; we need an elected chair who is a politician.

**The Chair (Mr. Monte McNaughton):** We'll move to the third party. Mr. Mantha.

**Mr. Michael Mantha:** I heard you talking about your travels to and from home. If ever you miss the forest, come on up towards Algoma-Manitoulin. As soon as you pass Barrie, there's five hours of forestry that you can travel through. It's quite beautiful.

You've basically answered all the questions through the other questions that came through this process. Again, I want to ask you, as I have asked others: Transparency and accountability are something that the public has been crying for for a very long time, and engagement is part of that process. Having an elected member in that position, how do you see that bringing the regions not just closer together, but stronger as a region?

**Mr. Jason Cherniak:** It's interesting; I've met the regional chairs a few times. I don't get to know them as well as the local politicians, but there's definitely a sense that they're not the same sort of politician. They're not going out to events; they're not speaking quite as much; they're not going and meeting all the people that you tend to meet when you act as an elected politician. I think that if they do that, what they're going to do is see parts of the region that they're not seeing right now; they're going to have a better sense of how the policies that they're supporting are actually affecting the region.

They're also going to hear ideas. Sometimes, I think you do hear good ideas from people that you don't really expect, and that's something that the regional chairs just aren't getting right now. If you have an elected regional chair, you're really making that person do a better job, even if it's exactly the same person who's doing it now. It's not intended as an offence in any way; I think Emmerson is a great chair. But I'm sure he knows, as the former mayor of Stouffville, that being elected as the chair would be just as good as, if not better, for him.

**Mr. Michael Mantha:** Thanks.

**The Chair (Mr. Monte McNaughton):** Great. We'll move to the government. Mr. Balkissoon.

**Mr. Bas Balkissoon:** Thank you very much for being here and sharing your thoughts with us.

I'm reading the regional report and I'm trying to gauge how this ended up on the floor at York region, but I'll leave that for another discussion.

It clearly outlines in the report that there are two processes for the chair: One is, the region has to request it, and the other one is, the province can legislate it. I'm thinking back to the regions that have come together and have an elected chair and how that process was done way back when. I remember Hamilton was controversial, Waterloo was controversial. I think the only one that has been done is Durham, but they saw the writing on the wall that it was coming, and they actually started to act on it because we went through the same process with Durham, I believe, right here: Private members stood up and moved bills.

In my mind, it's come to the point where the province needs to recognize that the public is a lot different than it used to be 40 years ago. Maybe instead of just doing York region we should do a province-wide amendment of this bill, not focus it on York region, but basically say, "All regional chairs must be elected starting in 2018," and we give the regions an opportunity to submit back to us a governance model. Then we can also incorporate that governance model in the Municipal Act, because you don't want everybody to have a different governance model; you want to have something that's uniform across the province.

I just want to hear your opinion on that train of thought.

**Mr. Jason Cherniak:** Firstly, I wouldn't want to see this held up as a result of the larger process—

**Mr. Bas Balkissoon:** No, I'm not thinking about holding it up. We, as a body here, have the opportunity to amend this.

**Mr. Jason Cherniak:** Okay. I guess I can't speak for places I haven't lived, but my thought is that in some ways, it almost works better if it comes from people from the local area, because they're saying, "This is what we want and it's what works best for us." Then you avoid, I suppose, accusations that the province is forcing it on other people.

At the same time, the principles that I was just talking about I think apply across the province. It's a political decision for politicians. If there are people who are



fighting against you, is it really worth it to do it in places where they don't want it? That's how I look at it.

**Mr. Bas Balkissoon:** But the reason I asked you that question is, don't you believe if we do it province-wide and we have a model and a set of rules and policies province-wide, we'd remove the personalities from the individual regions completely, and then it's uniform and it's fair and it's transparent?

**Mr. Jason Cherniak:** I think it would be fair to say that, yes.

**Mr. Bas Balkissoon:** Thank you.

**The Chair (Mr. Monte McNaughton):** Thank you very much. That's the time. Thanks for presenting.

MS. KAREN REA

**The Chair (Mr. Monte McNaughton):** We'll now call upon Karen Rea. Karen, if you'd introduce yourself. You have five minutes, and then we'll have three minutes for each party.

**Ms. Karen Rea:** Thank you. Good afternoon, Mr. Chair and committee members. My name is Karen Rea and I'm the ward 4 councillor in the city of Markham. I was newly elected in the 2014 election.

I am here today to support private member's Bill 42, on election of the regional chair. This bill is not about criticizing any previous or current chairs; it's about democracy. The position of chair is very similar to that of mayor, but on a much larger scale. Some say it is the most powerful position in York region. To appoint this position means that residents will not know what the candidate's vision, platform or mandate are for our rapidly growing region.

Residents should have the right to question the person vying for this position. We should be allowed to listen to debates and hear different point of view. With a budget and also a debt of over \$2 billion, we want to know what they're spending our dollars on and make sure that they're spending them wisely. If not, we should have the option in the next election to vote to remove the chair from his seat.

1400

Every politician, including those who sit on York regional council, ran a campaign. We raised funds, door-knocked and participated in all-candidate meetings. Not only were we interviewed by the press, but by every single person to whom we spoke during the campaign. They wanted to know whether we were capable of the job that we were applying for, a job of responsibility. Are we honest and trustworthy? Would we be accountable to the electorate that elected us in? Would we serve the public better than the other candidates that we were running against? We made promises and spoke about changes if we were successful in winning a seat.

We all had some kind of campaign, except the position of the regional chair. We have had six regional chairs over 45 years of council and not once has anyone had to run a campaign or tell anyone in the region why they are the best suitable person for the job. The chair needs to be accountable to the people.

There are concerns about how a candidate for regional chair would finance their election campaign. Reading a report from the region, the cost for a campaign could be up to \$650,000, staffing another \$25,000 to \$30,000, and if they chose to be part of the rebate program, a further \$150,000 to \$200,000. This would be the maximum amount on what would be allowed to be spent. I am sure that the candidates would get free airtime from the local radio and TV stations and their biographies put in the papers, like the rest of us did in the municipal election of 2014. Town hall meetings could be held in each municipality. There are ways to get your message out without spending the allotted amount of funds. If a candidate did raise the maximum amount of funds, the cost of democracy and an election is less than \$1 per person.

I would like to quote from an online article I found from July 2012 written by Gordon Prentice:

"[Professor] MacDermid tells us that, over the years, without anyone really noticing, powers that ordinary citizens used to exercise have gone...."

"Councillors' terms have been extended. The opportunities for people to have an input have progressively disappeared...."

"It gets me thinking about what we can do to reclaim some of the powers that have been lost—or misplaced—over the years."

The answer is the election of the chair.

Our residents deserve the right to directly elect one of the most powerful positions, the chair of York region. The candidate who wins will be one with a long-term vision; one who can lead us into the future; one who believes in being accountable, transparent and open; one who embraces change and solicits input and ideas from others, including residents; one who works as part of a team to enhance the quality of life for each of us.

Newmarket, Stouffville, Aurora, Markham and East Gwillimbury have already passed motions to support this bill. Yet when it came time to vote at the region on regional councillor Li's and Mayor Altmann's motion to support this bill, not all of the representatives upheld the decisions made by their own councils.

During the discussions at the region on this motion, I did not hear one good reason why the chair should not be elected. It was said that we do not elect the Prime Minister, the head of TRCA or OLG. How does that change what we're going to do? This will not help us move forward at the region. None of these comments have any bearing on the fact that residents should have the right to vote for the position of chair of York region.

The motion at the region was defeated. The province will ultimately have to make this decision. I believe that this change will happen and should happen. It's time to look at the larger picture, embrace change and move forward in an accountable and transparent way. Times are changing, and by working together we can finally bring democracy to York region.

Democracy is a government in which people chose their leaders. Your support for this private member's bill is also support for democracy.



**The Chair (Mr. Monte McNaughton):** Great. Excellent. Thank you very much. We'll move to Mr. Mantha of the third party.

**Mr. Michael Mantha:** Thank you, Karen, for joining us.

Sometimes the word "change" scares people.

**Ms. Karen Rea:** It does.

**Mr. Michael Mantha:** It does. A couple of the reasons are that we don't know what that change is going to look like; we don't know how that change is going to benefit—positively or negatively.

How do you see this change, either way, benefiting or negatively impacting the area? First, how do you see it positively affecting the area?

**Ms. Karen Rea:** When you have somebody sitting in the same position for many, many years, you get the same perspective. If an individual is running, you get new ideas, they listen to the residents, they have a different perspective and—let me explain this properly. It's better to have someone with different ideas and different perspectives, because right now we have the status quo, and that's been the same now for the last 40 years.

**Mr. Michael Mantha:** Okay. I'm looking at the list and I don't know who else is coming up, because I haven't heard the other side. But again, I'd like to hear from you how you believe that this change is going to be good.

**Ms. Karen Rea:** We have a right to elect somebody into a seat, and it's a powerful position. Everybody around this table has been elected. The mayor is elected. All the regional councillors are elected. So why should this be any different?

**Mr. Michael Mantha:** Thank you.

**Ms. Karen Rea:** You're welcome.

**The Chair (Mr. Monte McNaughton):** Okay. We'll move to Mr. Ballard.

**Mr. Chris Ballard:** Thank you, Councillor, for coming forward and presenting today and braving the snowstorm to get down here. I'm just wondering if you can frame in broad terms the discussion around the council table when Markham debated the resolution to support Bill 42. We know that council voted in favour, but can you give me a sense of what some of the pros and what some of the cons were?

**Ms. Karen Rea:** There wasn't really much debate. It was a 10-to-3 vote. The mayor voted against it, regional Councillor Jack Heath voted against it and we had one new councillor who wasn't quite sure what the position was, so she refrained from voting. But it was a 10-to-3 vote. There wasn't a big discussion on it either way.

**Mr. Chris Ballard:** Okay. And that seems to be what I've heard from other councils around York region where this has been tabled: that there isn't an awful lot of debate about why it's not a good idea.

**Ms. Karen Rea:** No.

**Mr. Chris Ballard:** Okay. That's my question. MPP Wong maybe has one.

**Ms. Soo Wong:** I think I'm the only person at this table in this committee who actually worked as staff at

York region, so I totally agree with you, Councillor, on your comments that the chair has a lot of power. When you see this election process, do you see this levelling the playing field if this bill gets passed?

**Ms. Karen Rea:** I do, because not only can a mayor or a regional councillor and a politician run; it opens it up to a whole variety of people. You may have business people who have the experience to look at municipal issues as well. It could be somebody who used to be in politics who's no longer in politics. It would be opened up to every single person who wanted to run.

**Ms. Soo Wong:** In your written submission you comment about concerns dealing with the finance piece. I'm just startled by this comment here. If you could elaborate a little bit more about the fact that the regional chair is financing other mayoral candidates' elections. If I'm reading this correctly—

**Ms. Karen Rea:** No, you misread it.

**Ms. Soo Wong:** Okay. That's what I wanted you to clarify for us.

**Ms. Karen Rea:** I was up at the region last week. The staff report said how much it would cost to elect the regional chair, and they've quoted \$650,000 plus staff time, plus we have a rebate program in York region.

**The Chair (Mr. Monte McNaughton):** Okay. Thank you very much. We're going to move now to the official opposition. Mr. Hardeman.

**Mr. Ernie Hardeman:** Thank you very much for your presentation. I think it has been said that it's rather a strange time to have hearings on a bill like this at committee and find that the people who are making the presentations—everyone coming in to speak is on the same side. So I think that tells you something about the democracy of it.

But I do want to point out as a caution to yourself and to those doing it that I had the privilege of introducing a private member's bill that had as much, if not more, support than this one. It took me five years to get it passed through this structure because, as was mentioned in one of our earlier presentations, when we're finished here, the government has to call it back for third reading.

**Ms. Karen Rea:** Right.

**Mr. Ernie Hardeman:** And if they don't call it back before the House prorogues at some point, we're here again.

The reason I'm bringing this up is more for the benefit of the people sitting on the opposite side of this room than for the presenter, to make sure that the government realizes with the presentations we're getting here the importance of this bill. They should find a way to call it back for third reading and get it implemented so you can get to the 2018 election, because the five years are going to actually be a longer time than what the regional council said they wanted to do themselves. I guess I'd just ask that or make that statement on behalf of the members sitting across the room from me.

**Mr. Lou Rinaldi:** And I'll correct it—

**Mr. Ernie Hardeman:** It's up to them to get it done.

**Mr. Lou Rinaldi:** —off the record.



**Mr. Ernie Hardeman:** No, no; it's on the record.

**The Chair (Mr. Monte McNaughton):** One more minute. Any further questions?

**Mr. Ernie Hardeman:** Like I said, I just wanted to say that.

One small question: Could you give me some idea of what you think are the powers that the regional chair has that require him to be elected? If you look at the Municipal Act and the powers that are given to the head of council, they get to set the agenda and they get to run the meetings. Anything else they have is given to them by the rest of council, so—

**Ms. Karen Rea:** One of the comments made last week when I was up at the region basically said that Chair Emmerson has one vote, and only if it's a tie vote. They said, "We've basically appointed him to chair meetings." Well, he gets an awful lot of money just to chair meetings. So we need somebody elected who's accountable.

1410

**Mr. Ernie Hardeman:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much, Karen, for your presentation.

MR. JIM JONES

**The Chair (Mr. Monte McNaughton):** We'll call Jim Jones.

Jim, you have five minutes for your presentation and three minutes from each party. Questioning will start with the government next time.

**Mr. Jim Jones:** Thank you, Mr. Chair. My name is Jim Jones and I sit on York region council, representing the city of Markham. I am here today to speak in favour of Bill 42.

I've been an advocate for an elected chair of York region for many years. I think my position represents the preference of my constituents as well as Markham council, which recently passed a motion in support of Bill 42.

When the regions were formed in Ontario in the 1970s, the provincial government appointed a regional chair in each. In 1971, the region of York had a population of just over 200,000 people and very limited responsibilities, mostly for roads, and the direction to create the infrastructure required to provide water and sewage treatment. There were originally 14 towns and townships and 11 police villages. Residents were accustomed to living in towns; they understood their local government and felt a connection to local politicians. The new region meant nothing to them and they had little connection with it.

In 2015, our population is over 1,180,000—larger than Prince Edward Island, Newfoundland, Labrador, New Brunswick, Nova Scotia, Saskatchewan, and almost larger than Manitoba. By 2031, the population of York region is projected to be 1.8 million people. We still look after roads, water and waste water, but we are also responsible for health and social services, public transportation, public housing, regional planning, policing and many other governmental functions.

Our constituents are far more politically connected than they were in 1971. Many understand what the region is and what the region does. They understand region issues, its accomplishments and its debt. What they do not understand is why a position like the chair of this huge government is still appointed by a small number of politicians instead of being elected by the people.

The regional chair is not like the Speaker of the House. He or she votes, presents arguments, brings motions, and also has the important responsibility of appointing members to head the various regional committees and task forces. The chair is also, along with council, responsible for a very large budget.

Durham region had many of the same issues as York region, as a large, spread-out municipality with many towns and cities. It also partners with us in sewage treatment and waste water management, with a jointly owned incinerator. Durham held a referendum on whether the chair should be directly elected or not. Overwhelmingly, the people of Durham supported democracy and called for elections rather than appointments.

The councils of Markham, Aurora, Newmarket, Stouffville and East Gwillimbury have all voted to elect the chair of York region and to place our trust in the public, just as the voters place their trust in us when we are elected.

This is no longer 1971. York region is big; it has a big budget and big responsibilities. It is no longer appropriate to have a small group appoint the chair of York region any more than it would be appropriate for a small group to appoint the mayor of Toronto. It is not democratic, and our residents want change.

People want to hear from York region regional chair candidates, just like they want to hear from us at election time. They want to know about the individuals' qualifications, their experience, their understanding of complicated issues, their integrity, their vision; and finally, they want the opportunity to choose the person they feel is best qualified.

I do not believe for a second that the Ontario government in the 1970s would have foreseen what the responsibilities of the region would be in 2016, or that the population would be over a million people, or that we would still be appointing a chair with a simple majority of regional council.

Last week, I sat at a regional council meeting and listened to the arguments of some of my colleagues who are against the election of the chair. So many of their arguments included the statement, "If it ain't broke, don't fix it." Well, I think York region is a great place to live and work; I think it is generally well governed, and our regional council can take pride in that. However, elections bring transparency and accountability. That is what democracy is all about. No person or government should ever think that they have reached their best.

I believe that the election of a regional chair, with the transparency and accountability that it will bring, will make us better. This is what I want, what Markham council wants and, I think, our residents want.

Thank you very much for your attention.



**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to Mr. Rinaldi for the first question.

**Mr. Lou Rinaldi:** Chair, just a clarification: The decision of this bill moving to third reading is a decision of the House leaders, not necessarily a decision of the government. Just for the record, to clear that up.

Mr. Balkissoon has a question.

**The Chair (Mr. Monte McNaughton):** The government House leader calls bills for debate, though.

Any questions?

**Mr. Bas Balkissoon:** Yes, I do.

**The Chair (Mr. Monte McNaughton):** Mr. Balkissoon?

**Mr. Bas Balkissoon:** Thank you, Mr. Chair, and thank you, Mr. Jones, for being here. I really appreciate you being here. I've read your notes and I have to say that they're well thought out and well put together. I know you've been in the political business for a long time.

I don't have a problem with the request of my colleague. What I do have a struggle with is that since I've been in politics, I've seen Hamilton-Wentworth go through this process; Peel has had discussions; Durham has had discussions; York has had discussions; Toronto was chaos. I think it is a time in history when the province has matured enough that we should be looking at this beyond just one region.

I just want your thoughts on that because, to me, uniformity and the same set of rules for every region is better than having everybody pick and choose what they like. How would you feel if Mr. Ballard's bill would get amended to say that the province adopt an elected chair for all regions across the province, that the minister be given the power in regulation to adopt a governance model and that regions would get an opportunity to comment back on what governance model they would like?

**Mr. Jim Jones:** At the time, on that point, some of the members of York region council felt slighted was that you didn't pick Peel and you didn't pick Simcoe county because they surround us.

The other thing: This would have gone through a long time ago. I don't know what the other regions have, but one of the things with York region is that we have a triple majority. A triple majority means that we have to have triple the population—two thirds of the population has to vote in favour of it. So Markham and Vaughan almost have to vote in favour of it and then we get the other third.

Then we have to have two thirds of the council. But the two thirds of the council can't be just—well, it has to be two thirds of the council. Then, when it goes to York region, we have to have two thirds of York region council.

If we could just change the region of York act, we would probably get it through. We would just say, "If the council wants it, we should be able to do it." We don't have to do a referendum—

**The Chair (Mr. Monte McNaughton):** We're going to move now to the official opposition and Mr. Hardeman for questions.

**Mr. Ernie Hardeman:** Thank you very much for your presentation. I was ahead of you there, when I talked about the city of Toronto and the comparison between appointing a mayor there and appointing the regional chair. I appreciate that because I think that's really what this is all about.

I have a little concern with the suggestion that somehow the answer would be to just do this all over. I think we need to realize—and I'm sure you would agree with me in your presentation—that the majority of the regions, if you look at the voting you just mentioned, already have this. It's not all over the map. The choice is not how you do it; the choice is whether you do it or not. I think there are only about two left after this one that aren't done.

**Mr. Jim Jones:** There would be four more. There are nine municipalities.

**Mr. Ernie Hardeman:** To me, I think we really should just move on—four, are there? Well, out of 13, that's not bad.

It seems to me that that's not something we should be pushing for. We should be pushing forward to get an answer to the request that the people of York have.

**Mr. Jim Jones:** I believe that we should deal with us; okay? I heard rumours that maybe Peel is doing something. I don't know about Simcoe county, but all the ones around us—if you do Simcoe county and Peel, then everyone is in the same boat. I agree with that.

Why we should do it is because, before we do that vote that night, he is nothing. He could be a member of council or a mayor or a person running for it, but he's a nothing. Then, once we do that, he becomes the most powerful member of York region council and maybe the most powerful politician in York region.

I love what the city of Toronto mayors have to go through with all the town halls and that, and I think that's what we should be going through here. We've got many, many issues, and it would be nice to know how they understand it.

In the end, it doesn't matter what you do. He's elected. He has still got to get 11 votes—that's including himself and 10 others—to get his agenda through.

1420

**Mr. Ernie Hardeman:** Thank you.

**The Chair (Mr. Monte McNaughton):** We'll move to Mr. Mantha in the third party.

**Mr. Michael Mantha:** I want to be straight up: I'm all for transparency and accountability. I believe that having elected officials is how you do that.

You mentioned that, during your regional council meeting that you had last week, some of the people who were speaking against this motion were basically saying, "If it's not broken, don't fix it." What are some of the other arguments that they were bringing forward? I'm always one who likes to see both sides of the story. Is there anything that was brought forward in any type of



convincing manner that would make me re-look at the decision?

**Mr. Jim Jones:** I think that the chair felt that this was an attack on his transparency and his credibility, and it's not; it's that we have a fair and open system. I don't see anything else. Right now, what the system is: Whoever supports the chair gets rewarded. I've talked to Roger Anderson. He won, and he said, "At least now I have a mandate." He has a mandate of what to do. He still has to get the majority of his council to get his mandate through.

That's the same with John Tory. John has to get the majority of his council to get his mandate through, but at least he can take the lead and take the charge and not be beholden to any mayor or any person that put him there.

**Mr. Michael Mantha:** Thanks.

**Mr. Jim Jones:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much.

MS. WENDY GAERTNER

**The Chair (Mr. Monte McNaughton):** We now have Wendy Gaertner. Please come forward. Thanks for joining us today. If you could state your name for the record. You have five minutes to make your presentation and then three minutes from each party for questioning.

**Ms. Wendy Gaertner:** Thank you. As you said, my name is Wendy Gaertner. I've served on the town council in Aurora for 12 years, and I have to say that I am here in support of Bill 42. There's a lot of interest in my community about the appointment-versus-election of the regional chair. I believe I can accurately say that there is overwhelming support for election versus appointment.

This is a position of power, influence and responsibility—it has been said many times. The person holding this position should be elected by those people that they are going to serve. That's in keeping with our democratic principles. Really, that's all I have to say, except that I thank MPP Ballard for bringing forth this bill and working responsibly on Bills 60 and 16. Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you. Mr. Hardeman, do you have any questions?

**Mr. Ernie Hardeman:** First of all, I thank you again, very much, for making a presentation and, let's say, sticking with the process and keeping the line going as a consecutive presenter—number seven—who supports the bill.

I think it's an indication of the importance of moving forward with this when you've got the people that are being governed making a statement that they are all in favour of doing one thing. The government then has an obligation to listen to that and say, "Let's fix it so we can do what they're asking for."

**Ms. Wendy Gaertner:** I would agree.

**Mr. Ernie Hardeman:** I really appreciate all the people who are making those presentations and making their voices heard. So often, and it may very well be the case in this one, the people on the other side are of the

mind that, "If it ain't broke, don't fix it, so we just won't be bothered with it. We won't get involved." That may be true; I don't know. But the truth is, to make things happen in a democracy, you're supposed to be able to have your voice heard.

The reason I say all that is because if you have someone appointed that is not responsible to you in any way, talking to them isn't going to help much. They are going to stick with their position because they don't have to accommodate the electorate. I can tell you that even when, as I mentioned earlier, I was in that position, though I didn't have to get elected by all the people of the area, I had to get elected by the people where I was mayor. So if I didn't do what I thought the majority of them wanted done, then I wouldn't be there very long. I think that's what we need here. It's not necessarily going to make a different person. It's not necessarily going to drive many different decisions, but you're going to have somebody who has to listen to the electorate before they make those decisions.

I support the bill 100%, and I do hope that we can get it through as quickly as possible.

**Ms. Wendy Gaertner:** Thank you.

**The Chair (Mr. Monte McNaughton):** Okay. We'll move to Mr. Mantha.

**Mr. Michael Mantha:** Thank you for joining us, Wendy. What you're asking for is really, again, engagement from your elected officials.

I'll just describe to you the weekend I just went through. I did three community carnivals, four hockey games, a couple of fish fries and a birthday party. What people see is my engagement through Facebook; right? They see the pictures. What they don't see is when a mom or a dad pulls me out between periods in a hockey game to have that chat behind the bleachers that nobody sees, where we talk about their hydro bill or when we step aside and talk about the problems their daughters are having with paying their tuition fees. That's what they don't see.

I think this is what you're asking for when you're asking for your elected officials to get greater engagement with the community, go down to the grassroots, go to community events and get a sense of the heartbeat of what's going on in the communities that are there that you're elected for. Essentially, that, in itself, is engagement. That, in itself, is transparency and accountability. That is presence.

I'm going to ask you the same question that I asked the gentleman who was there before you. I'm always the one who is open to both sides of the story. From your experience, is there any explanation out there to remain with the status quo that you've heard of and has not come here to the committee? Again, I'm always open to hearing both sides of the story.

**Ms. Wendy Gaertner:** I haven't heard anything compelling. We put forward a motion on Aurora council supporting the election of the chair. The vote was 8 to 1, with the mayor speaking against it. I think that our municipality is very interested in not having the status quo.



I have heard a couple of issues with it. One is that it could be expensive. But we're talking about democracy. If we're going to spend our money somewhere, let's spend it to enhance democracy.

With respect to maybe a power struggle between northern and southern communities, Aurora belongs to a group called the Northern Six. It's a co-operative working group, mostly of staff. Of those Northern Six, four of them have passed motions in support of the election of the regional chair. To me, there is nothing compelling to keep the status quo and every reason to change it, because we're talking about democracy.

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. We'll move to Mr. Ballard, please.

**Mr. Chris Ballard:** Thank you, Councillor Gaertner, for coming down today and braving the weather. I was going to ask if Aurora council misses me, but don't answer that just yet. We have more Aurora councillors coming next week.

**Mr. Michael Mantha:** Can we have a reaction right now?

**Ms. Wendy Gaertner:** Councillor—MPP Ballard, I miss you.

**Mr. Chris Ballard:** Okay, there we are. That's good. That's on the record.

**Ms. Wendy Gaertner:** Your name is mentioned from time to time.

**Mr. Chris Ballard:** From time to time. No doubt it is.

**Ms. Soo Wong:** Hopefully good stuff.

**Mr. Chris Ballard:** All good. All the time, all good.

**Ms. Wendy Gaertner:** I'm not answering that question.

**Mr. Chris Ballard:** You partially answered the question that I had in your last response about what possible reason—I've heard three or four of the same tired concerns raised over and over again. You talk about the Northern Six. I just wanted to touch for a second: a concern that northern York region would not be well represented if there was a direct-elect because there are so many people who live in the south end of York region. Do you have that concern?

**Ms. Wendy Gaertner:** I don't have that concern, and apparently four of the six Northern Six communities don't have that concern. Change is hard, and there are always issues and often not-foreseen issues, but I think in this case, we have been talking around and about this for so long with many good minds. I think we can anticipate pretty much anything that's going to happen.

**Mr. Chris Ballard:** Thank you.

1430

**The Chair (Mr. Monte McNaughton):** Mr. Balkissoon.

**Mr. Bas Balkissoon:** Thank you for being here. You mentioned something, and I thought I'd just ask this quick question: You said when Aurora council debated this, it was an 8-to-1 vote, the mayor being the dissenting vote. Then the mayor goes to the region. Which direction did he vote for, council's wishes or his own wish?

**Ms. Wendy Gaertner:** The mayor voted against council's wishes and for his own.

**Mr. Bas Balkissoon:** That's not democracy. Thank you.

**Ms. Eleanor McMahon:** Mr. Chair, do we have a sec?

**The Chair (Mr. Monte McNaughton):** Yes, go ahead. Ms. McMahon.

**Ms. Eleanor McMahon:** Thank you for coming here today. My name is Eleanor McMahon. I'm the MPP from Burlington. I serve in a region where we have an elected chair. I live in the south part of the region, the most densely populated, arguably, and we do have northern municipalities. I guess I consider my colleague Ted Arnott, although he's on the other side of the House, to be in the northern part of Halton region. I hope this commentary assuages some of the concerns that the north wouldn't be well served, because it's certainly not the case in Halton.

On the basis that a rising tide floats all boats, I wonder if you could touch on how this opportunity for an elected chair would serve to really raise awareness of citizens about what regional government does and why it's important. Can you comment on that?

**The Chair (Mr. Monte McNaughton):** I'm really, really sorry.

**Ms. Eleanor McMahon:** Oh, no.

**The Chair (Mr. Monte McNaughton):** I even let it go for five seconds over. Thank you very much.

**Ms. Eleanor McMahon:** Thank you for coming.

#### YORK REGION TAXPAYERS COALITION

**The Chair (Mr. Monte McNaughton):** We're going to call the York Region Taxpayers Coalition up next.

Welcome. I know you've been here for all the presentations today. You have five minutes to make your presentation and then questions will be starting with Mr. Mantha.

**Mr. John Blommestein:** Great. Thank you, Mr. Chair, and good afternoon to all the members of the committee. My name is John Blommestein. I'm a volunteer with the York Region Taxpayers Coalition. I'd like to also introduce Maddie Di Muccio, who is our organization's president. She's here to join me in our presentation.

You've already heard from other presenters that York region is very large in terms of size, with a population that exceeds Atlantic Canada's provinces and is going on to exceed some of the prairie provinces' as well. We believe that a municipality of this size is owed democracy. As such, our organization does support the election of the regional chair.

However, as the proposed legislation stands today, we see Bill 42 as more ideologically driven as opposed to providing real, tangible benefits to the taxpayers.

Bill 42 does not address the governance issues that York region has, and it ignores the imbalance between the larger population of the southern three municipalities



versus the smaller Northern Six. If Bill 42 passes as it stands today, then electing a chair in the 2018 municipal election certainly won't hurt York region, but our members don't feel that it will help taxpayers much either, unless it goes further.

Last summer, the York Region Taxpayers Coalition wrote to Mr. Ballard and recommended two important amendments to improve the proposed bill. The first amendment we suggested to Mr. Ballard was as follows: The York Region Taxpayer Coalition requested that Bill 42 include the same accountability officers as those that the Ontario Legislature required when the City of Toronto Act was passed. Namely, we'd like to see the Legislature mandate to the municipality of York region the establishment of: a municipal ombudsman; an integrity commissioner, which would include a council code of conduct bylaw and a lobbyist registry; and, of course, an auditor general. With these accountability officers within the Toronto act, the Ontario Legislature acknowledged how complicated the municipal activities of the city of Toronto were.

The issues facing York region residents when interacting with their municipality are not automatically simplified the moment one crosses Steeles Avenue. Keep in mind that the population of York region is larger than many of Canada's provinces, and the annual budget, as you're already heard, exceeds \$3 billion, with projected debt expected to be about \$2.9 billion in 2017 and possibly going as high as \$3.7 billion in 2020. By recommending to the Legislature that York region adopt these accountability officers, you'll also be addressing major shortcomings with our present governance.

The second amendment that we suggested to Mr. Ballard involves the way that the chair is elected. The government has stated that the city of Toronto could possibly elect its municipal council members by way of ranked balloting in 2018. Pending the approval of this form of election by the Legislature, the York Region Taxpayers Coalition would like to see ranked balloting used as the form of election for the regional chair. This acknowledges the fact that 74% of York region's electors reside in just three of the nine municipalities. Electors in Vaughan, Markham and Richmond Hill, under a first-past-the-post system, could easily outnumber the others, and our fear is that any election will result in campaigns that are narrowly focused on the three largest municipalities. With a ranked balloting system, this would address that discrepancy. It would require candidates to campaign beyond the borders of Vaughan, Markham and Richmond Hill by building coalitions of support within all nine of the lower-tier municipalities.

This concludes our comments on Bill 42, and hopefully we convinced some of you, at least, to consider some of the amendments that we're proposing with regard to it.

**The Chair (Mr. Monte McNaughton):** Thank you. We'll go to Mr. Mantha from the third party.

**Mr. Michael Mantha:** Thank you for bringing up the "however."

Can you explain to me your comments with regard to including the accountability officers and how that would play out? How do you see that structuring, and what amendment would you see working to bring that in?

**Mr. John Blommestein:** Mr. Hardeman already alluded to it—that the current regional chair, while considered to be very powerful on paper, actually has very, very few powers. The current chair really only votes when there is a tie, and I've never seen that in all my years of watching regional council—to see it actually come up with a tie vote. That's how rarely that situation happens. He does appoint the committee members and that type of thing, but he really doesn't do much else.

As far as we're concerned, we've got real issues with the York region council. I'll give you a recent example. The Toronto subway extension from Spadina into Vaughan was originally slated to be \$300 million. It has ballooned to \$600 million, and council has voted on that, rubber-stamped it, without any checks or balances put in place. When you divide that sum over 294,000 households, it's over \$2,000 per household. If we had an auditor general, for example, we'd now be addressing issues like, "Is this money well spent? Is that \$2,000 per household going to the right places?" as opposed to regional councillors just lifting their hands up when asked to by staff, without any checks or balances.

**The Chair (Mr. Monte McNaughton):** We'll move to Ms. Wong from the government.

**Ms. Soo Wong:** I'm hearing—I want to get some clarification, sir—that you prefer to see the role of the auditor general to be more of a priority than Bill 42.

**Mr. John Blommestein:** Correct. When we discussed this with our members—

**Ms. Soo Wong:** So my question is, why isn't regional council, which has the authority to create an auditor general—because this is an independent body. You have a finance committee.

**Mr. John Blommestein:** Correct.

**Ms. Soo Wong:** This is regional council. This piece here that I heard from previous witnesses who came before this committee, as well as my colleagues from York region, asking us to make a more democratic process—having worked in York region, I can tell you that your chair is very powerful for a non-elected person. Do you not see that as added value in terms of democracy?

**Mr. John Blommestein:** Some people may hate this analogy, but I liken this to us saying, "We've got a headache," and the Legislature saying, "Here's a Band-Aid." It's not going to hurt me to have a Band-Aid, but it doesn't help me settle the issues that we have with accountability and transparency.

The one additional person on council: If it's legitimate that it's going to cost \$650,000 to run a campaign—I don't know if that's true or not; that may be excessive. But if it's that much, it's going to be supported by either someone who's very, very wealthy or a lot of developers contributing to that. It doesn't necessarily give the people another representative; it gives developer money another representative on the particular council.

The issue with a common person who is not getting—they've got issues with social housing, for example, or they're disabled and they can't get the government services that they need because of the disability. To have something like an ombudsman's office to call and to have it mandated by the province that you must have it—not, "If we don't like the report, we're going to fire you," because that happens in a lot of municipalities when it's voluntary. Markham had an auditor general, didn't like the auditor general's report, and fired the auditor general. It happens to integrity commissioners quite a bit, too. When an integrity commissioner comes back with something we don't like, they're fired.

We want to have that position mandated by the province, so that the person who is a one-time—"You know what? I'm not getting my social housing issue taken care of." They've got an office to call. It's not necessarily going to be the one person who you check in once every four years; it's going to be an office that's permanent, that you can check in every single day of the week.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We're going to move now to the—

**Ms. Maddie Di Muccio:** Sorry, Mr. Chair. If I could just add very quickly, just to clarify: Our organization does support—

**The Chair (Mr. Monte McNaughton):** I actually do have to move to the official opposition.

**Ms. Maddie Di Muccio:** Okay. All right.

**The Chair (Mr. Monte McNaughton):** We'll move to Mr. Hardeman.

**Mr. Ernie Hardeman:** Thank you very much for your presentation. I just wanted to go back to the premise of Bill 42. Would you not agree that that's the first step?

I think Ms. Wong pointed out that the municipalities already have the power to appoint the auditor and the ombudsman themselves. But the present structure in York region doesn't facilitate that to happen because the regional chair is responsible only to the 20 people around the table, not the electorate.

If you started off by having that person elected, then, in fact, they would be responsible to the electorate, not to the council, and they would be much more likely to appoint those officers.

I'll just throw in the question: Your other challenges, the ombudsman and the auditor general, are exactly the same as every municipality in this province. The only difference is that you have an appointed regional chair as opposed to an elected leader. So the first step, in my mind, is always to see if you can find the source of the problem and fix it and, hopefully, once you plug the hole, the water will quit leaking out.

**Mr. John Blommestein:** I'll challenge you on two points on that:

One, the city of Toronto is different. The city of Toronto actually mandates that they must have those accountability officers. The rest of the province does not have that mandated.

Number two is—and regional councillor Joe Li is going to speak afterwards and maybe he can answer this. This is something that we've been talking about for a long period of time with York region council and have gone and made presentations and have put up with the barbs and all that kind of stuff along with our presentations because they're not happy to hear when we talk about accountability and transparency.

But why haven't you done it? If you've got the power to do it, why haven't you done it? Why are you so afraid of accountability and transparency, when you've got a very large citizen group standing before you, saying, "We'd like this, please"? Why are they ducking and hiding?

I don't think it's ever going to happen, other than the Legislature turns around and says, "This must happen." You did it with the city of Toronto, and we're just asking you—for a region the size of York region, we deserve one too.

**Mr. Ernie Hardeman:** I would just point out very quickly that if we put amendments like that in this bill, we're going to lose the record of having everybody supporting it because that would affect every municipality in the province—

**Mr. John Blommestein:** And it should.

**Mr. Ernie Hardeman:** —and I don't think municipally elected officials or even the people would look very kindly on the fact that we, as a province, don't have any faith in the people they elect. It has to come from the local level.

**Mr. John Blommestein:** I would go back to Mr. Balkissoon, who has asked this question before. Why are we doing this just for York region? Why aren't we doing this across the board? It's the same thing with these accountability officers. Why do we not trust Toronto politicians, but we should trust everybody else? To me, that doesn't make sense.

So if we don't trust Toronto—

**The Chair (Mr. Monte McNaughton):** Thank you very much. That's all the time we have.

**Mr. John Blommestein:** Thank you.

**The Chair (Mr. Monte McNaughton):** We're going to adjourn this meeting. We'll be reconvening March 2 at 1 o'clock.

*The committee adjourned at 1444.*











## CONTENTS

Wednesday 24 February 2016

Committee business.....	M-177
Municipal Amendment Act (Election of Chair of York Region), 2016, Bill 42, Mr. Ballard / Loi de 2016 modifiant la Loi sur les municipalités (élection du président de la région de York), projet de loi 42, M. Ballard .....	M-177
Mr. Darryl Wolk.....	M-177
Ms. Gloria Reszler .....	M-180
Brownridge Ratepayers Association .....	M-182
Mr. Mario G. Racco	
Mr. Jason Cherniak .....	M-184
Ms. Karen Rea.....	M-187
Mr. Jim Jones .....	M-189
Ms. Wendy Gaertner .....	M-191
York Region Taxpayers Coalition.....	M-192
Mr. John Blommesteyn	

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### Chair / Président

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### Vice-Chair / Vice-Président

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### Substitutions / Membres remplaçants

Mr. Lorne Coe (Whitby–Oshawa PC)

Mr. Ernie Hardeman (Oxford PC)

Mr. Lou Rinaldi (Northumberland–Quinte West L)

#### Clerk / Greffier

Mr. Trevor Day

#### Staff / Personnel

Mr. Jeff Parker, research officer,  
Research Services



M-21



M-21

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 2 March 2016

# Journal des débats (Hansard)

Mercredi 2 mars 2016

## Standing Committee on the Legislative Assembly

Municipal Amendment Act  
(Election of Chair  
of York Region), 2016

## Comité permanent de l'Assemblée législative

Loi de 2016 modifiant  
la Loi sur les municipalités  
(élection du président  
de la région de York)



Chair: Monte McNaughton  
Clerk: Trevor Day

Président : Monte McNaughton  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 2 March 2016

Mercredi 2 mars 2016

*The committee met at 1301 in committee room 1.*MUNICIPAL AMENDMENT ACT  
(ELECTION OF CHAIR  
OF YORK REGION), 2016  
LOI DE 2016 MODIFIANT  
LA LOI SUR LES MUNICIPALITÉS  
(ÉLECTION DU PRÉSIDENT  
DE LA RÉGION DE YORK)

Consideration of the following bill:

Bill 42, An Act to amend the Municipal Act, 2001 to provide that the head of council of The Regional Municipality of York must be elected / Projet de loi 42, Loi modifiant la Loi de 2001 sur les municipalités pour prévoir que le président du conseil de la municipalité régionale de York doit être élu.

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone. Welcome to the Standing Committee on the Legislative Assembly. We're here to hear about Bill 42, An Act to amend the Municipal Act, 2001 to provide that the head of council of The Regional Municipality of York must be elected.

MR. CHRIS CAMPBELL

**The Chair (Mr. Monte McNaughton):** We'll call on the first presenter today: Chris Campbell. If you could just introduce yourself. You'll have five minutes to present, and then each party will have three minutes to ask questions. We'll be beginning with the official opposition. The floor is yours.

**Mr. Chris Campbell:** Thank you very much, Mr. Chairman and committee members. Thank you for giving me the opportunity to come and speak to you today.

My name is Chris Campbell. I'm a proud resident and taxpayer from the town of Newmarket—the seat of York region government—and a former mayoral candidate in the 2014 municipal elections.

I'm here today to enthusiastically support and endorse our own MPP Chris Ballard's private member's bill and amendment to the Municipal Act for the direct election of the chair of York region.

Today we live in uncertain and fictitious times. In the US, we are watching unfold perhaps the most fascinating presidential election ever, whereby Donald Trump, a businessman who today is probably known by many just

as much for being a reality TV star, stands on the verge of securing the Republican Party nomination by capturing the hearts and minds of many disaffected Americans who feel left behind and not part of the political process. Mr. Trump rallies the masses by saying that he is the anti-Washington candidate and that he is funding his whole campaign. He goes on to say, "I cannot be bought by corporate America and special interests." In some ways, it all feels too surreal and, to some, quite frightening.

On Sunday evening, Mr. Chair and members, I, like many people, stayed up late to watch the biggest collection of story-makers gather for the Oscar awards. Many, including myself, anticipated that the last award presented, for best picture, might go to *The Revenant*. But, no, the best picture award went to *Spotlight*.

I, like many others, had never heard of or even seen *Spotlight*. The movie is about a group of investigative journalists at the Boston Globe who uncovered a pattern of abuse by Roman Catholic priests in Massachusetts. It has, if you'll pardon the pun, put the spotlight on the need to keep on top of potential abuses of power, whatever they may be, wherever they may be—which brings me to why we are here today.

Mr. Chair and members of the committee, when I put my name forth to run against the incumbent mayor of Newmarket in July 2014, I was wrestling with my conscience, my public duty as a citizen to expose and debate what I thought were abuses of power. The people of Newmarket understand this first-hand. Newmarket, I believe, more so than any other municipality in York region, has seen an erosion of democratic principles and a lack of oversight and proper mechanisms to enforce decisions that are made behind closed doors.

Our mayor—who, along with our deputy mayor and regional councillors, sits on regional council—is one of 15 members who in recent months voted against the motion for direct election of the chair. I should also add that in recent weeks he was the lone dissenter with regard to a motion that was brought forward at Newmarket council for the direct election of the chairman of York region.

Our mayor, who has simply refused when asked by members of the public what his compensation is at the town and at the region, has said quite openly that he thinks that there are more pertinent issues to be heard other than the direct election of the chairman of York region, while other members of York regional council

have stated that the current backroom jockeying for members' votes is acceptable. I think the quote that has been used on many occasions is, "If it ain't broke, why fix it?"

Well, I suggest to you today, members of the committee, that this method of election, of choosing a chair of York region, is open to abuse and may affect the decisions that are being taken on behalf of the people of York region. I, for one, find this unacceptable, and so do a large majority of taxpayers in York region.

I remember a time in the 1970s, not long after the formation of York region, when York region had a population of only 100,000 people. It was a vast expanse of small communities, interspersed with farms and open fields. In the mid-1970s, Newmarket had a population of approximately 30,000 to 35,000 people; it is now approaching 95,000 people. Newmarket is grappling, like other municipalities in York region, with a myriad of big-city issues like growth, transportation, housing, infrastructure, employment and traffic congestion—

**The Chair (Mr. Monte McNaughton):** Mr. Campbell, we're going to have to move to questions from the official opposition now.

**Mr. Chris Campbell:** Okay.

**Mr. Ernie Hardeman:** Thank you very much for your presentation today. I'm a little concerned as to what the expectations are as to the difference between a directly elected regional chair and the way they are presently elected by the council and the municipality, and how that depends on the size of the population—that that should be different today than when the region was formed. What's the difference in the function, whether you're governing 100,000 people or 200,000 people?

**Mr. Chris Campbell:** To your point, I think what we have seen and the point that I have made is that the regional municipality of York is now one of the fastest-growing economies in North America. The chair and the members of council oversee a multi-billion-dollar budget. The decisions that they make affect numerous individuals who either live or work within the region.

Again, I would speak to the fact that I believe that we have seen a pattern where other regional municipalities around southern Ontario have moved to a direct election of their chair. I haven't done an intense amount of research about the background to that, but I see those regional municipalities working quite effectively.

I would say this to your point: I think the people of Newmarket and the people of York region want more openness and accountability, not less. I believe that the people of Newmarket and York region want a directly elected chair of York region. I think it has been stated many, many times. I don't have a precise, accurate poll, but from what people have been telling me, this is something that they want, and I believe it's time that this committee force this on York region.

**Mr. Ernie Hardeman:** I guess the reason I asked the question was that I was a little concerned with the start of your presentation—that somehow this relates to and needs to solve the problem that the government down

south is having right now. If that's really true, then I'm going to have to change my position on it, because it's terrible when we have a society that loses that much faith in the people who are governing, remembering that all those people you're referring to are directly elected by the people they represent. This situation would have a greater chance of making things worse rather than better, if we use that analogy.

**1310**

**Mr. Chris Campbell:** If I'm led to believe what you're saying, I don't see that correlation at all. As I go back to my point, I think people want more openness and transparency, and I think direct election will remove any—

**The Chair (Mr. Monte McNaughton):** Mr. Campbell, we're going to move now to Mr. Mantha from the third party, please.

**Mr. Michael Mantha:** Good morning to you, Chris.

**Mr. Chris Campbell:** Good morning.

**Mr. Michael Mantha:** Thanks for coming to join us.

Last week, we heard from one, two, three, four, five, six, seven, eight—you being nine—organizations and individuals who are all in favour of seeing this happen. I'm out of questions, to be quite honest with you.

I want to give you an opportunity, first, to add anything to the debate as number one. Number two: Since you touched on it, did you happen to see Bernie Sanders' comms team? Did you see his video *Feel the Bern*?

**Mr. Chris Campbell:** Yes, I did.

**Mr. Michael Mantha:** Isn't that something else?

**Mr. Chris Campbell:** It is fantastic. It is incredible, I have to say.

**Mr. Michael Mantha:** I looked at that thing and I went, "Wow, somebody is really on the ball with this one." We've got to get some of that stuff going up here.

Anyway, the one thing I did want to ask you is—yes, there were a lot of individuals who spoke in favour of this. The one question that I have for you is: Does it go far enough? Do you believe that there are some additional regulations for oversight and transparency that should be included in this bill? We heard from one of the presenters last week that they would possibly like to see the bill go a little bit further. Your thoughts?

**Mr. Chris Campbell:** I've read the bill thoroughly. In the format that it is in now, I think it's certainly acceptable to me and the people I have spoken to in Newmarket. Again, it really comes down to this. This is what I would ask the members of the House: You're either for democracy or you are not. It's that type of question that the people of York region, at a very simple level, understand. Not many people have an opportunity to get engaged and involved in democracy at this level. I, for one, take my democratic rights very, very seriously. That's why I took some hours off work today to come and talk to you, and I thank you again for that. But I think it really does come down to that point.

York regional council has only recently made amends to be more open. I know that the hearings, the meetings—you can hear them over the Internet, but they're



still not televised. In many of the municipal council meetings that I have attended or watched on local television, there is very, very little discussed or reported back from York regional council to local councils. That would be my answer to you, sir.

**Mr. Michael Mantha:** Okay. How much time do I have?

**The Chair (Mr. Monte McNaughton):** Twenty seconds.

**Mr. Michael Mantha:** You won't be able to answer the question, so I'll save the question for another one that will come later.

**Mr. Chris Campbell:** Thank you very much indeed.

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. We'll move to the government side: Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much for coming in, Mr. Campbell. Are the roads all plowed in Newmarket?

**Mr. Chris Campbell:** I'm happy to say that I used GO Transit.

**Mr. Chris Ballard:** Good. We're happy to hear that.

**Mr. Chris Campbell:** I got on the bus at Davis Drive and Eagle and had a wonderful journey down here. So again, on record, I would encourage the people of Newmarket and Aurora to always use GO Transit where they can.

**Mr. Chris Ballard:** Good. You ran for the position of mayor in the previous municipal election.

**Mr. Chris Campbell:** Correct.

**Mr. Chris Ballard:** What were people talking about? Were you hearing this as an issue? Are you currently hearing this as an issue in terms of the direct election of the regional chair? If you are hearing it, what perhaps is the main message that you're hearing from the people in the Newmarket area?

**Mr. Chris Campbell:** To your question, I think when I was running for mayor, it really wasn't a prevalent issue. But as time has gone on, the issue has come to the fore. A regional councillor has brought forward a motion to York regional council, and it's getting covered more in the local press. I think it's something that is becoming more and more out in the open, as it were. I have had people stop me and talk about this as an issue.

Again, to my point and endorsement of the bill, the overwhelming majority of people—again, I bring it down to this simple question: Are you for democracy or against it?

The regional municipality of York is very, very unique in its composition as a regional municipality around southern Ontario, in size or scope. I think that the complexity of problems that we are facing in York region is probably much more difficult to grapple with than some, with respect to other, smaller, municipalities. I think when you put that into context, people really want to ensure that the person who is leading that council is very open and transparent, very credible and will speak very clearly without any type of bias or influence with

regard to decisions he or she will be making on their behalf.

**Mr. Chris Ballard:** A bit of a leading question: What I've heard from people over the years is that when they elect their municipal mayor, their municipal leaders, they get a sense of where that person is with regard to economic policy, environmental policy, transportation policy, those sorts of things. Do you have a sense that a direct election of regional chair would affect that knowledge—

**The Chair (Mr. Monte McNaughton):** Sorry, Mr. Ballard; that's time.

**Mr. Chris Ballard:** That's it?

**Mr. Chris Campbell:** That's time? Okay. It's a yes.

Thank you, Mr. Chair and committee members, for your time today.

MR. AL DUFFY

**The Chair (Mr. Monte McNaughton):** We'll now call upon Mr. Al Duffy.

Mr. Duffy, please introduce yourself; then you'll have five minutes for a presentation and three minutes each, starting with the third party.

**Mr. Al Duffy:** My name is Al Duffy. I'm a former member of York region council. I have no axe to grind with any of the members; they're all friends of mine, and the chair.

I'd like to remind the committee that when York region and other regions were formed in the 1970s, it was to replace an existing county system—Toronto was part of York county—and to amalgamate towns, townships and police villages in the higher-growth areas of the province. The provincial government appointed the first regional chair to each region. This was, I'm sure, due to the large geographic nature of the new regions and the impossible task of running an effective election.

York region had been reduced to nine towns from 14 and witnessed the loss of 11 police villages. I don't believe any individual could have run an effective campaign to be elected to the seat of chairman back then. Most people did not know what town or township they belonged to, never mind understand what a chairman was.

Let us now think about what the region of York was in 1971, compared to today. It had a population of just over 200,000 people and very limited responsibility—mostly roads and the direction from the province to create a major servicing scheme to provide water and treated sewage for all nine municipalities.

In the 2011 census, York region's population was over 1,050,000 people. Today, it's about 1,150,000 people. That's a larger population than Prince Edward Island, Newfoundland and Labrador, New Brunswick, Nova Scotia, Saskatchewan, and it's closing in fast on Manitoba.

The region looks after roads, water and waste water as it did, but it's now one of the largest regional governments in Canada and has expanded its delivery service



and responsibilities to include health and social services; the growth and delivery of public transportation, which was uploaded from the local municipalities and downloaded by the province; policing; public housing; regional planning; waste services, including garbage, recycling, organics and treatment, along with dump sites and incinerations; plus many other services.

Each of the provinces that we are larger than has a Premier who must be elected to the government prior to being sworn in as leader. Each Premier is chosen by the party through a very public process, as the leader of the party, then must seek a mandate throughout the province and get elected in a riding.

I do not believe for a second that the government of the day or the minister responsible contemplated at what responsibility the region would be at this point in time or that, with a population of over one million people, we'd still be appointing a chair with a simple majority of regional council. That is 11 people, out of over 1,150,000 people, who choose our chair.

I was a member back in the 1980s—actually, my name was put forward to be chair at one time. I wouldn't cut the deals necessary to gain the position.

There are only a few regions that still practise policies of the 1970s and appoint their chair. All counties in the province elect their chair or warden from members of county council—a little bit better.

There is not a wholesome discussion, during municipal elections, about the major regional issues. When there are questions at all-candidates meetings about regional issues, the response from candidates is normally, "That's a regional issue. We're not here to discuss that. We're talking about town issues. This meeting is for municipal elections."

1320

If you follow the Toronto election, the issues now seem to revolve around issues such as policing and crime; social housing; public transportation; major roads—i.e., the Gardiner Expressway; major planning initiatives; water and sewer issues; and, to a very small degree, local issues. They are all regional government issues in York region, and they are not discussed.

Because there is not a direct election for the head of council in York region, there is no one to defend the actions of the region. There is no one to challenge the actions of the region and there is no debate on the future direction of York region on such issues as post-secondary education, regional parks, major public transportation issues, location of public housing, and development charges, just to name a few.

We need to have an elected head of council, or a lord mayor as some other places have done, for York regional council. There is always the comment that it will be expensive to run the regional chair and hold elections. It's just another box on the ballot of each town, just like school trustees or, in the past, hydro commissioners.

Unlike the rural York region in the 1970s, the York region of the 21st century is a modern, urban region with access to print and electronic media plus social media.

We need to have an elected head of council that is directly elected by the electorate and responsible to the people who elected her or him, not to simply the majority of regional councillors.

**The Chair (Mr. Monte McNaughton):** Thank you very much, Mr. Duffy. We're going to move to Mr. Mantha from the third party.

**Mr. Michael Mantha:** There's a comment you made that really jumped out at me, and I want to ask you if you'll elaborate on it. You said that you were approached to be the chair at one time.

**Mr. Al Duffy:** Yes.

**Mr. Michael Mantha:** You made the comment that you weren't in a position to cut the deals necessary.

**Mr. Al Duffy:** I think anybody who has followed any of the regional councils—it's, "Let's make a deal." There's no question about that. It's not the right way. It's not the way of any other level of government. It's too important a process to do that. My comment was that, "I just can't agree." The issue was a very major issue and I thought that it needed wholesome debate. It needed a lot of study; it's not just something you do.

**Mr. Michael Mantha:** Having this new process implemented would bring greater transparency and accountability for that process and would actually eliminate individuals being in the position that you were going to be put in.

**Mr. Al Duffy:** Yes. I think that the issue that I was discussing at that time, that I wouldn't agree—

**Mr. Michael Mantha:** We don't have to go into details about it.

**Mr. Al Duffy:** I'm not going into the details. I wasn't going to do that, but I think that that was one of the major issues that would have been discussed during an election. I think that's where it should have been discussed.

**Mr. Michael Mantha:** There are many other individuals who have sat here, and you're number 10. I'm going to ask you a question. I'm always one to look at both sides of the story. Can you give me an example as to why people don't want to see this process go through? Why is it that, "If it's not broken, let well be" is the only explanation that I seem to be getting?

**Mr. Al Duffy:** I disagree with that. I really think that it's a very important level of government. Over a period of time, as happened in metropolitan Toronto, you're going to see fewer municipalities in York region because their responsibilities are being diminished all the time. They had public transportation. I think very soon you're going to see fire services jump up and be a regional issue.

I think it's important that the people have a say in it and they hear it from not only the existing chair who is running for re-election but someone who is going to challenge them on every issue. I think that's very important. It's important in politics.

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. We'll move to Ms. Wong from the government.

**Ms. Soo Wong:** Thank you very much, Mr. Duffy, for being here today. I just wanted to recap because I want to



make sure I heard it correctly that you're opposed to the proposed Bill 42.

**Mr. Al Duffy:** No.

**Ms. Soo Wong:** No, you support it.

**Mr. Al Duffy:** I support Bill 42.

**Ms. Soo Wong:** Okay.

**Mr. Al Duffy:** If Bill 42, as I read it, is to have direct election of the chair, I support it.

**Ms. Soo Wong:** Okay, direct election. Why are some of the municipal mayors—the council votes to support the bill, then they go to regional council and vote against it. Can you explain why? You were a former mayor.

**Mr. Al Duffy:** It's like anything. I think there's a little peer pressure when you're sitting in regional council and you're looking around the room. It's when you have to hold your hand up in front of everybody who is there. I think that's the nice thing about a ballot when you're electing a chair. There's no peer pressure when you walk behind that box. Donald Trump is proving that now.

**Ms. Soo Wong:** With regard to those who are opposed to this bill, they are saying that—you're from Richmond Hill. The mayor of Aurora is supposed to be here, but I guess he's not here on this list. He made a comment in a letter to the members here today; I'm quoting him. He believes that “the greater issue is the whole form of governance, which in my opinion, leaves the municipalities”—his concern was if he could not attend the regional council meeting, there would be no representation for the town of Aurora. What are your comments on that?

**Mr. Al Duffy:** You know, it's an interesting comment, but if someone is running for the chair of the region, to be elected by all of the people of York region, he won't have just a municipality in mind; he will have the region of York in mind, to provide better services to everybody. I think it's that way.

It's not that they don't today, but I think we got into that thing from the 1970s or the 1980s, when I was on there, that if you miss the meetings, no one is looking after your town. That's not true.

I think there are other changes needed along with Bill 42. I think there need to be some members who are full-time councillors. The bill doesn't address that; I think it needs to.

**Ms. Soo Wong:** Thank you.

**Mr. Chris Ballard:** How much time do we have, Chair?

**The Chair (Mr. Monte McNaughton):** About a minute.

**Mr. Chris Ballard:** A minute? Okay.

**The Chair (Mr. Monte McNaughton):** About 40 seconds.

**Mr. Chris Ballard:** Forty seconds?

One of the concerns we've heard time and again—and it's great that you're here, given your background as a former mayor and former member of council—is that there will be an imbalance of power: The south will have all the power; the north won't have any of the power.

Richmond Hill is kind of in the middle of that. What do you make of that argument?

**Mr. Al Duffy:** That's the way it is now. There are more members from the south than there are from the north. They have absolute power. I think if you have an elected chair, that changes things. He has the ability of going out to people. But it's the condition today, and I think that needs to be addressed.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move now to Mr. Hardeman from the official opposition.

**Mr. Ernie Hardeman:** Thank you again, Mr. Duffy, for making the presentation. We've heard a number of presentations, as was mentioned earlier, and everyone has concerns about the way the chair is presently elected.

The reason I support this bill and direct election is because democracy is about being responsible to the people who elect you. Presently, the way it is, the regional chair gets elected by 11 out of 20 people. At the end of the day, that's where the loyalties lie, as opposed to the public in general. If you get elected by all the people, then you're responsible to all of them.

Could you explain to me again the issue that Mr. Ballard brought up about how the disproportionate, one side to the other—if you're elected across the whole region, how would you define a line of which is north and which is south, and what's the difference? They would be elected and responsible to the individual ratepayer in every part of the region, would they not?

**Mr. Al Duffy:** Right now, each regional councillor is only elected from his own municipality, not from the rest of it. That concern has been there. It's been there since the day the region was started, the north-south, because it's represented by population, so the south—Markham, Vaughan, Richmond Hill—has more than the others combined.

It's never been a problem. I have never seen bloc voting on that council. It's never happened. But the problem that you get into—and I think you started there—is if you need 11 votes and it's tied at 10, that one guy who comes to you is the most important guy on the council. That's the guy you owe a lot to. So we've got to be careful that there isn't that one guy out there.

**Mr. Ernie Hardeman:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much.

MR. JOE LI

**The Chair (Mr. Monte McNaughton):** We do not have a 1:30, so we'll advance and call upon Councillor Joe Li. Mr. Li, if you'd introduce yourself. You'll have five minutes to present, and then we'll be starting with the government for questions.

**Mr. Joe Li:** Thank you. Good afternoon, Mr. Chair and members of the Standing Committee on the Legislative Assembly. I am here this afternoon to support MPP Chris Ballard's Bill 42 for an elected regional chair.



Today, I will be discussing an important issue that has been brought to my attention and had been a subject of concern for many people when I was running for re-election in 2014.

The present process for York region council appointing the regional chair deprives the citizens of a democratic process for senior members of the regional government.

1330

Every four years, local ward councillors, regional councillors and mayors have to campaign and validate their position and have a vision for the people, whereas a regional chair is not directly elected by voters and is simply appointed by a mere majority of 20 members of the regional council.

The regional municipality of Halton has the most experience with an elected chair. It was the first municipality to change the system, in the year 2000. Chair Gary Carr, who has been Halton's elected regional chair since 2006 and was re-elected for a third term in 2014, said that popular election keeps him accountable to the citizens instead of politicians.

"If I was appointed by the regional council, they would be my boss instead of the people of Halton," he said.

"Carr dismisses the idea that being elected makes it harder to work with the mayors on regional council.

"It's an excuse for people who don't want democracy," he said. "The way it's set up is exactly the same as the mayor system (in Toronto)... It brings accountability: If you don't like what somebody's doing, you can vote them out."

The municipalities of Durham, Halton and Waterloo all have an elected regional chair. A change to have an elected chair of the region would bring York region in line with the majority of regions across southern Ontario.

York region is one of the fastest-growing regions in Canada. It is the sixth-largest municipality in the country, and consists of nine local municipalities. Approximately 1.18 million people live in the region of York. The regional chair only requires 0.001% of the population to secure the most powerful position in the York regional government.

Citizens of York region contribute so much of their taxes to the regional level of government and, really, they don't have a say in how the money is spent unless they can decide on the platform of a regional chair.

Presently, York region is in huge debt. The region's debt is presently estimated at \$2.5 billion, and it's expected to rise to about \$3.7 billion in 2020. An elected chair would be accountable to the voter as well as council, and would be able to voice personal opinions on issues, campaign on their own platform and send a strong message.

I believe it is vital that we give the power to the people and allow our citizens to engage in a fair, democratic process, to question the candidates for regional chair about their political platforms, and to understand the direction and vision for the future of the region before

they cast a vote for their candidate of choice, thus gaining more confidence about transparency and accountability in our government.

I will end with this quote from one of the greatest leaders of democracy, Mahatma Gandhi: "True democracy cannot be worked by 20 men sitting at the centre. It has to be worked from below, by the people of every village." Thank you.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to the government, and Mr. Ballard.

**Mr. Chris Ballard:** I wanted to thank Councillor Li for being here today and for moving this at regional council, and for the interesting discussions that were held there over a couple of days.

You and I have talked about this. I've heard you talk about this a number of times. A number of issues: One of them talks about, in terms of opposition, the cost to run a regional campaign for the chair of the region, and that they may be unduly influenced because there are only certain groups that could afford to back them. Do you have comments about that, about the cost of a campaign stopping people from running?

**Mr. Joe Li:** That's an excuse. I will just use a unique example. In 2009, in Markham, when your former colleague Tony Wong died, we had a vacancy situation in the city of Markham. They were talking about the same excuse: It's too expensive to call a by-election because it costs half a million dollars.

So I said, "Well, if that's the issue, then I have a solution for you, because I was the first-runner-up. That's how the people of Markham voted. It would save you a lot of money to just appoint me." But then, they say, "Oh, wait a minute. You don't have any experience, so we can't give you the job." So I say, "Make up your mind. Do you want to talk about cost, or experience?"

This is just an excuse, when they talk about costs. If cost is an issue, then I have an idea: Maybe the federal government should stop spending money—billions; I'm talking about billions—promoting democracy around the world. And yet, in our backyards, we're trying to practise hypocrisy and say that we can't afford to spend that kind of money.

There has to be some accountability; either you want to promote democracy—because with democracy there is no price tag there.

**Mr. Chris Ballard:** How much more time?

**The Chair (Mr. Monte McNaughton):** A minute.

**Mr. Chris Ballard:** Okay, good.

I just wanted you to comment on a quote. When MPP Reza Moridi raised this issue many years ago—it was the precursor to my Bill 42—he had an open forum. A professor from York University went: Robert MacDermid, whom we've probably all bumped into, those of us in municipal politics at one time or another. He said that candidates for regional council don't have to present a political platform to residents. Instead, they lobby other regional councillors behind the scenes, and voters have no idea what discussions have taken place.



Can you comment on that statement from your experience at regional council?

**Mr. Joe Li:** Well, it's true. When I was first elected, the first thing that happened is that I got a phone call from the chairman, who said, "I would like to have an appointment with you," and I said, "Well, that's strange. I don't know you very well. Why would you like to talk to me?"—

**The Chair (Mr. Monte McNaughton):** I hate to cut you off, but we have to move now to the official opposition and Mr. Hardeman.

**Mr. Ernie Hardeman:** Thank you, Councillor, for your presentation today and all the work that you do in your position as a regional councillor.

I do want to agree with you that we all have to accept that there's a cost to democracy. To talk about what's the best way to elect a regional chair, to put it on the cost of doing it, doesn't make a lot of sense to me. Obviously, if we really believe that, then why don't we just have eight-year terms instead of having four-year terms? You could save half the money by doing that. It doesn't make any sense.

In the change that you're looking to make here in this bill, could you explain to me how the actual operation, or the responsibility of the new regional chair, would differ from the way it's presently elected? Obviously they'd be the same person, and I'd just add on there that if you do it the way you're doing it now, but what's the difference between the position of regional chair and the CEO or the CAO of the municipality?

**Mr. Joe Li:** Well, right now the regional chair, even though he says he can't vote, dictates all of our agendas.

I remember when I was elected, we had an important issue about the Clarington incineration plant. I think they made a decision on November 27 and I got in the job on December 1, only three days later. I was given a committee to sit on, the environmental committee. I thought that I should be given the privilege of that information, yet they denied me the information. Then, three days later, they came to me and asked for that \$265-million budget for funding. I'm just curious why they put me on the committee and denied me information, yet they don't have a problem coming to me for money. I have issues with that.

**Mr. Ernie Hardeman:** Okay.

**The Chair (Mr. Monte McNaughton):** We'll move to Mr. Mantha of the third party.

**Mr. Michael Mantha:** I was just reading some of our written submissions here, and I finally found one where somebody was opposed to this. I want to see what you think about the rationale that was put behind the opposition. It said that there are six other regional governments that are there, three of which elect their chair and three that are appointed. I guess the rationale behind it is that if it's not going to be done for all, why should we just be looking at ours?

How does that sit with you as far as the rationale not to progress and have elected chairs for York region?

**Mr. Joe Li:** Well, I think that the provincial government has a responsibility to make it uniform across Ontario. Because I'm from York region, my first duty is to speak on my constituency. I cannot argue for other municipalities, but being a member for York regional council, I have a moral responsibility first and foremost to argue for my region. Obviously, I hope the government of Ontario will eventually have elections across Ontario. I don't want my members to keep on arguing, "Why are they picking on us? Only York region had to do that. What about Peel region?" That was the argument, but I said, "Wait, it's coming. Don't worry."

1340

**Mr. Michael Mantha:** It's obvious that the status quo isn't working because that's what the elected representatives are hearing.

What is the argument for maintaining the status quo?

**Mr. Joe Li:** I'll just give an example about Markham council. They want their status quo. Their argument against by-elections is cost. But then I say, if it's the cost, then we have to ban the federal government from spending any further money on promoting democracy in Afghanistan and Iraq because that's costing billions of dollars.

So I'd put an end to that practice. As a matter of fact, Markham is now the only city in Ontario that requires a mandatory by-election when there is a vacancy.

No more talk about cost. I always say that democracy has no price tag. Either you are in or you're not in.

**Mr. Michael Mantha:** Thank you, Mr. Li. Thank you very much.

**Mr. Joe Li:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much for your presentation today.

MR. GORDON PRENTICE

**The Chair (Mr. Monte McNaughton):** We'll now call upon Gordon Prentice. Mr. Prentice, if you could introduce yourself. You'll have five minutes for your presentation. Questioning will begin with the official opposition.

**Mr. Gordon Prentice:** I'm Gordon Prentice. I live in Newmarket. I'm very grateful indeed to be given the opportunity of addressing the committee today.

On Saturday, I became a Canadian citizen.

*Applause.*

**Mr. Gordon Prentice:** Do I get extra time for that?

*Laughter.*

**Mr. Michael Mantha:** I'll give you my time.

**Mr. Gordon Prentice:** Anyway, I can now vote, and that is a pretty big deal. But I may not be able to vote for the chair of York regional council in 2018 because that is up to you.

You heard from Jim Jones last week, and just a few minutes ago from Mr. Duffy, that York region really is a region on steroids. It's growing very fast indeed. The population is bigger than PEI, Newfoundland, Labrador, New Brunswick, Nova Scotia, Saskatchewan, and it's



rapidly closing on Manitoba. Yet the person who leads York region is indirectly elected by 20 people.

We know that York region will not initiate change. You will have to do it for them. Many regional councillors believe that the status quo is perfect, or 80% or 90% perfect. It is not a priority for them at all.

Last year, when the provincial government was doing its consultation on the Municipal Act, it specifically asked for views on the way in which regional chairs were selected. In its official response, York region ignored the question; York region said nothing. So the only way we're going to see change is if you force it through, using this bill.

I want to make three quick points, because I don't have much time. The first one is, York region is semi-detached from its residents. Under the Municipal Act, the chair is supposed to ensure accountability and transparency, and yet, for most people in York region, York regional council is a closed world. It is secretive; it's inward-looking; its meetings are not broadcast. Council meetings are audio streamed live on the day, but then there is no record; they just disappear into the ether. It is like a time warp; it's like the 1950s. And committee-of-the-whole meetings, where all the heavy lifting is done, are not streamed. They're not broadcast at all. There is no record of what anyone said.

The second point is that the method of selecting the head of council—that's the regional chair, the chief executive officer of the corporation—is archaic and arcane. It needs to be replaced with something simple and something that has legitimacy, like direct election. Under the present rules, it is astonishing that the regional chair doesn't need to be a resident of the region—doesn't even need to be a member of the council.

When Mr. Emmerson—and I like him—was appointed, he was a private citizen, even though he had a distinguished career as mayor of Whitchurch-Stouffville. But in December 2014, quite literally, he walked in off the street and landed a job at over \$200,000 a year. At the inaugural meeting, the regional clerk asked members if they wanted to vote for the new regional chair in public or in private. They could have done so by secret ballot. Of course, Mr. Emmerson's predecessor, Mr. Fisch, was appointed on December 11, 1997, and he was returned in four subsequent inaugural meetings by acclamation. He never faced any election at all. I suppose York region is a bit of a club; it's a very clubbable atmosphere. I think maybe Mr. Duffy touched on that earlier.

The third point: the powers of the regional chair. The regional chair is more than a figurehead. He has far-reaching powers, formal and informal. We can come back to that later, if you wish.

Mayor Scarpitti from Markham takes the view that the chair is not even the first amongst equals; he's just one of 21 and he can't vote except in a tie. That is not the case. He can vote in committee-of-the-whole meetings, but he chooses not to do so. He has exactly the same rights as all other members. Last year, there was an important debate on the growth plan and the greenbelt. There was a

recorded vote which fell 10 to 10, with Mr. Emmerson breaking the tie and voting against the amendment. He joked—and it was a joke—to his colleagues: "You put me on the spot. That's why I get the big money."

**The Chair (Mr. Monte McNaughton):** Mr. Prentice, I'm sorry to cut you off at that particular point, but we'll move to the official opposition and Mr. MacLaren.

**Mr. Jack MacLaren:** Mr. Prentice, you and many others have made it clear that you'd like to see the chair elected. What would you think of doing it as the region of Durham did, with a referendum vote of the municipalities, as opposed to having the province coming down and telling people in York, in this case, what to do—give the people of the community a choice in a democratic fashion with a referendum vote, which, in this case, would have to be the next time you have a municipal election?

**Mr. Gordon Prentice:** Well, I'm generally relaxed about referendums, but we are where we are. We have a private member's bill in front of us. Maybe I could make the point that in your session last week there were questions about uniformity: Why doesn't the province step in and impose uniformity across Ontario? Of course, it can do that. It will, no doubt, bring forward a bill to implement some of the recommendations that come out of the consultations on the Municipal Act.

There are lots of asymmetric features of municipal government in Ontario, but, as I say, we are where we are. We have Mr. Ballard's very narrowly focused private member's bill and we should stick with it. You should vote on it. If you want any other changes affecting other municipalities, then that is a matter for the government, to bring forward a government bill based on last year's consultations.

**The Chair (Mr. Monte McNaughton):** Mr. Hardeman?

**Mr. Ernie Hardeman:** I wanted to go back the comment you made about the powers of the regional chair, some that are assumed and some that he actually has. Could you talk a little about those that he is assumed to have, that don't exist?

**Mr. Gordon Prentice:** Well, as I said, there are formal powers—he is appointed to chair the regional council—but there are lots of informal powers that he can exercise because he knows the internal wiring of the organization. He sits on committees that look at the agendas that are going before members.

If there are changes to the established policies and strategies of York regional council, there is a separate committee. It's a staff committee, but he's on it. They seek his views. They seek the direction—I've got the quote here somewhere—of the regional chair. Here it is. He's on the strategic policy committee, which reviews policies and strategies that "require direction, input and advice from the regional chairman." I think that's quite a big deal.

On the formal powers, he can declare a state of emergency in York region. Mayor Frank Scarpitti can't declare a state of emergency.



**The Chair (Mr. Monte McNaughton):** Mr. Prentice, I have to move to the third party and Mr. Mantha.

**Mr. Michael Mantha:** Mr. Prentice, you have all the time to finish what you wanted to say from your opening comments and to finish the comments you were making now.

**Mr. Gordon Prentice:** Well, only if you find it interesting.

**Mr. Michael Mantha:** Absolutely.

**Mr. Gordon Prentice:** Mr. Emmerson is chair of the York region rapid transit board. He's a member of the York Regional Police Services Board and he appoints citizen representatives to it. He is responsible for recommending the appointment of members to task forces; we're got one on broadband and we've got one on transportation. He has authority with the chief administrative officer to award contracts, buy and sell land over the summer and, other times when the council is suspended, he sets the agenda. Mr. Duffy said this earlier: He is the only full-time regional councillor who can take an expansive, region-wide view; all the other members are looking out for their own turf.

1350

I think he has got quite a wide-ranging role and lots and lots of responsibilities, and it is not true to say—as Mr. Blommestein said at your meeting last week—that he doesn't really have many powers at all. He said that dismissively. He has a lot of power.

**Mr. Michael Mantha:** I just wanted to finish by saying that I wish I could bring you along with me to many of the communities for engagement because of your opening comments, in saying how excited you were, first, becoming a Canadian citizen—congratulations—and the fact that you had that opportunity to vote. There are so many individuals across the province and across this country who take that opportunity and that privilege for granted. It was refreshing to hear you say that. Thank you.

**Mr. Gordon Prentice:** Well, thank you.

**The Chair (Mr. Monte McNaughton):** Thank you. We'll move to Ms. McMahon.

**Ms. Eleanor McMahon:** Thank you, Chair. Congratulations on your Canadian citizenship.

**Mr. Gordon Prentice:** I thank you again.

**Ms. Eleanor McMahon:** Rule, Britannia. You're very self-deprecating, in keeping with where you come from, if I may say. You're a former member of Parliament in the British House. That's quite a distinguished honour for you, and we welcome your conversation on this very topic. I know that it's something that you care passionately about.

I did a little digging into your voting record and some work that you've done. I know your wicked past—

**Mr. Gordon Prentice:** Oh, no.

**Ms. Eleanor McMahon:** No, it's very interesting. When you were elected in Great Britain, you talked about the wholly elected House of Lords. I think there are some parallels here. Can you draw some for us between that conversation and this one in terms of the unelected office?

**Mr. Gordon Prentice:** I think we may be straying off point here, but—

**Ms. Eleanor McMahon:** We may be, but I'm going to let you make it anyway.

**Mr. Gordon Prentice:** I think the appointed House of Lords is totally anachronistic, and I have long believed that Britain should have an elected second chamber: although I wouldn't necessarily look to Canada for inspiration.

**Ms. Eleanor McMahon:** Fair enough.

**Mr. Gordon Prentice:** But as I say, the most important thing for Chris Ballard's bill, if I can put it this way without appearing impertinent, is that you pass it; you don't amend it; you don't make it more difficult to get through. It's difficult enough for a private member's bill to get through the House. You've got to keep it narrowly focused and you've got to vote for it because the regional councillors in the region will not do it. The alternative of having a ballot triggered by the region is immensely complicated—and you heard about this last week.

**Ms. Eleanor McMahon:** We had the mayor of Aurora send in an email to the committee. Regrettably, he wasn't here today, but he did make the point of underrepresentation, in his view. I'd love your thoughts on this. May I quote from the email?

He says, "I believe the greater issue is the whole form of governance, which, in my opinion, leaves the municipalities of Aurora, East Gwillimbury, King township and Whitchurch-Stouffville underrepresented, or potentially unrepresented."

What do you think of that in the context of the legislation before us now?

**Mr. Gordon Prentice:** Well, I said earlier that there are huge asymmetries. If you look at Niagara region, there are 31 members of the council and 13 lower-region municipalities. If you look at York, there are 21 members of the council and nine lower-tier municipalities. Halton, I think, is four; is it?

**Ms. Eleanor McMahon:** Yes.

**Mr. Gordon Prentice:** So there are huge variations, but it is not the job of Mr. Ballard's bill to address all that. That's just a smokescreen. I'm very disappointed that Mr. Dawe is not here to defend his own position, if I'm honest.

**Ms. Eleanor McMahon:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much, Mr. Prentice. As Mr. Mantha said, congratulations on your Canadian citizenship. I would add, now that you're a Canadian citizen, you may be able to run for president of the United States, because I heard there might be a Canadian running for president down there.

*Laughter.*

**Mr. Gordon Prentice:** Very good; very good.

MR. MICHAEL THOMPSON

**The Chair (Mr. Monte McNaughton):** We'll now call Mr. Thompson. Thanks, Mr. Thompson. If you would identify yourself, and you have five minutes for



your presentation. Questions will start with the third party.

**Mr. Michael Thompson:** Good afternoon, Mr. Chair, members of provincial Parliament, committee members and staff. I appreciate the opportunity to speak to you on this issue. My name is Michael Thompson and I'm a councillor for the town of Aurora.

After an election, whether it be provincial, federal or at the municipal level, we've all heard at one time or another the phrase, "The people have spoken loud and clear." And yet when I look at the election of the regional chair, I question whether the people really get a chance to speak. That is why I have come before you today to share my opinion on why we need to change the current governance model for York region and begin electing the regional chair.

I share some of the thoughts and opinions that have been expressed both today as well as last week before this committee, but for me, it's primarily about accountability.

In the municipal councillors' handbook, which the province provides, it states that accountability and transparency are a priority in maintaining public trust in council and in the management of a municipality. It also states that section 224 of the Municipal Act explicitly includes ensuring the accountability and transparency of the operations of the municipality as part of the role of council. Councillors are, of course, accountable to the public every four years through municipal elections.

If, as indicated, we as councillors are accountable to the residents through municipal election, I believe that the regional chair should be accountable in the same fashion to all those who live within the region.

In Aurora, 43% of residents' tax dollars go to the region. That's a larger portion than to the town, and yet what say do the residents have on how their money will be spent or was spent? Being more accountable means giving the residents a voice and/or a vote on who will lead the region.

In an elected system, candidates for regional chair would need to share their vision for both the region and Aurora, and explain how they would plan to address the issues that matter most to the residents. During the last election, we had no idea what, if any, thoughts the chair had on regional growth, transportation, affordable housing or even who was going to run for regional chair.

In my opinion, the election of a regional chair would provide an opportunity to raise awareness of regional issues and allow the community to weigh in on the discussion and play an active role in the shaping of our future. To me, more public engagement is not just a principle of good governance but leads to a more effective and efficient government.

We recognize that accountability is a fundamental principle in what we do, but so is transparency. Municipal elections are regulated. The rules, processes and procedures are crystal clear. These rules and procedures preserve the integrity of the process and are essential to maintaining the public trust. We value these standards,

we all abide by them, and yet the process for selecting the regional chair differs. In my opinion, those rules don't meet the same standards that apply to all of us.

I have delegated before regional council and have spoken on the issue. While some on that council may have concerns about the process or the cost of an election, or question the value of change, I think it's better to be proactive rather than reactive and to seize upon this opportunity to make an effort to collaborate with the province, not only on electing the regional chair but also the process by which it is done, so that any of the considerations which have been raised can be addressed.

I think it's also important to note that while regional council may not have voted in favour of Councillor Li's motion, it has gone through a number of the municipalities within York region, and 33 of 40 elected members have voted in support of it. That presents a strong argument for representing the views of the public within York region.

The time has come for change, and I hope that this committee will recommend election, and not selection, of the regional chair. I appreciate your time.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much.

Mr. Mantha.

**Mr. Michael Mantha:** It's 33 of 40?

**Mr. Michael Thompson:** I believe so—five councils.

**Mr. Michael Mantha:** That sounds like overwhelming support for this, in my view.

You talked about greater engagement. An elected chair: How do you see his role as a chair, and how do you see him conducting himself—or herself—as having greater engagement with the community? How do you see that benefiting, through the lens of this bill?

**Mr. Michael Thompson:** It's the same as for myself. As the election comes upon us, you're out in public. You're talking about your vision for the community, the issues. You're meeting with the public and responding. The same thing would be for the regional chair.

In York region, in Aurora, we have the same issues as everyone else in terms of transportation, in terms of managing the growth and balancing. It's important that we're engaging the residents, so that the decisions being made are in the best interests of the community itself. I think just having the discussion, having the opportunity to weigh in on it, increases that engagement and the involvement.

For municipal elections, I think the last turnout was 35%. I think it's another way to get people more involved in their community.

**Mr. Michael Mantha:** It was 35%?

**Mr. Michael Thompson:** I believe so.

**Mr. Michael Mantha:** And having this election for the chair, I think you're going to see maybe a positive move towards more involvement. Do you see the appointment of the chair having kept that 35% low, or do you see this as an opportunity to have even greater involvement?



1400

**Mr. Michael Thompson:** I think we should always look for opportunities to increase engagement and voter turnout. I think this is another way to do it: by engaging them in additional issues.

**Mr. Michael Mantha:** There were some previous presenters who were here, and I have yet to hear of a person opposed to this, but do you see this bill going far enough? Is there anything else that could be added to it to strengthen it, to make it more transparent? Is this a step in the right direction?

**Mr. Michael Thompson:** It's definitely a step in the right direction. The principle is selection versus election, and the principle behind it is that democratically the right thing to do is to elect the regional chair. Then those issues of representation, process and cost can all be worked out. That's logistics. That's operational issues. What we're here for today is to talk about the principle: What's the right thing to do? All the other concerns and issues being voiced can be addressed through York region. I don't necessarily see them needing the province to weigh in in terms of how you're going to run the election and how it's going to integrate with the other municipalities. That's logistics. Businesses deal with that stuff all the time.

**Mr. Michael Mantha:** Thanks, Mr. Thompson.

**The Chair (Mr. Monte McNaughton):** We'll move to Ms. Wong from the government.

**Ms. Soo Wong:** Thank you, Mr. Thompson, for being here today. I'm going to your mayor's letter to the committee. I want to get some clarity. I just want to hear your view as a member of the Aurora council, because he wrote to the committee, saying in the third paragraph, "We are not in favour of a 'solution' that may address a perceived lack of democracy...."

In your opinion, Councillor Thompson, do you see the election of a chair of one of the largest regions in this province as a lack of democracy? That's what your mayor is saying to the committee.

**Mr. Michael Thompson:** I would view it in terms of a glass half-full as opposed to a glass half-empty. I would say it's a greater form of democracy.

**Ms. Soo Wong:** Okay. Your mayor also indicated to us that his concern is the fact that if we have an elected chair, there would be less representation. "In the event that I cannot attend a meeting ... Aurora is not represented." What is your view about this?

**Mr. Michael Thompson:** Again, it goes back to the principle. We're here talking about the election of the regional chair. The issue of whether or not to appoint an alternate so that there's representation for Aurora at the table—that's an in-house issue that could be resolved through York region. They could address it through their own bylaws. To me, that's something that could be done at the regional level. It doesn't need the province to weigh in on whether or not to allow our mayor to have an alternate when he cannot attend a meeting. That's a secondary issue. Sometimes at the council table we say, "Let's stick to the motion at hand and try not to stray too far." To me, that argument is a separate argument.

**Ms. Soo Wong:** Can you explain to the committee how it is that your council voted in support of this proposed bill and your mayor voted against it regionally?

**Mr. Michael Thompson:** I don't want to put words in our mayor's mouth. I think he commented in the local paper saying that he takes council's comments under consideration but then he weighs it with his own opinions and information that we may or may not have and makes a decision on what he believes is best for the community. That's his position.

**Ms. Soo Wong:** Okay. Thank you.

**Mr. Chris Ballard:** How much time have we got left? Have we got some time?

**The Chair (Mr. Monte McNaughton):** Thirty seconds.

**Mr. Chris Ballard:** Thank you for your advocacy on behalf of Bill 42 and for coming down today. Very simply, what are you hearing in the community about support for direct election, either for or against?

**Mr. Michael Thompson:** Certainly when I've talked to residents, I've not heard a single one say that it should be anything other than election. As always with those issues, they may not show up at the chambers, as you well know, but when you engage them in conversation—it's the principle, of course. In our system, it's always about election, not selection.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to the official opposition. Mr. Hardeman?

**Mr. Ernie Hardeman:** Thank you very much for your presentation.

**Mr. Michael Thompson:** My pleasure.

**Mr. Ernie Hardeman:** A couple of quick questions: We keep hearing about representation and that somehow the ability to represent all the people will be diminished by having an elected regional chair. How could anybody even come up with that suggestion? Obviously, if it's an appointed one, the 20 members of council get to decide the area that that regional chair is coming from; if the people elect them, they get elected by a majority of the vote. Could you explain to me why that would even be an item of discussion?

**Mr. Michael Thompson:** I certainly don't support that position. I grew up a fair bit in Ottawa. I would say that the area of Ottawa is similar to York region, as is the population. Their mayor, Jim Watson, is able to manage and run it and do an effective job supporting and representing the people, as well as the costs. I don't clearly understand how they can use the vastness of York region as a reason not to move forward. Again, it's about the principles.

**Mr. Ernie Hardeman:** The other thing I just wanted to quickly talk about is that the percentage of voter turnout would be increased when you elect the regional chair because everyone would come out—or at least, more people would come out because they'd think that was important. I was just sitting here, putting out a comparison saying what voter turnout would be provincially if the leaders of the parties were appointed instead of



elected. I can tell you, it would be like by-elections and it would drop in half to what it is in a general election. The process that represents all the people is the one that brings all the people out to vote. I think it's a real plus to have one elected to bring the people out to vote.

**Mr. Michael Thompson:** I always hope to try to get more people involved in the process.

**Mr. Ernie Hardeman:** Thank you.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move now to Mr. Mantha.

**Mr. Michael Mantha:** Didn't we start with me?

**The Chair (Mr. Monte McNaughton):** Oh, did you start? Okay. Sorry.

Thank you very much for your presentation.

**Mr. Michael Mantha:** Hey, we could talk some more.

**Mr. Michael Thompson:** Sure. I'm happy to.

**Mr. Michael Mantha:** Chair, you're giving me special privileges. You'll have to go for a second round—

**The Chair (Mr. Monte McNaughton):** We like the sound of your voice.

Thank you very much for your presentation.

**Mr. Michael Thompson:** Thank you again for the time.

#### MS. CATHERINE MARSHALL

**The Chair (Mr. Monte McNaughton):** We'll now call upon Ms. Marshall.

You're pretty honest, Mr. Mantha.

**Mr. Michael Mantha:** Pretty honest?

**Mr. Ernie Hardeman:** That's a low benchmark.

**The Chair (Mr. Monte McNaughton):** I'll correct my record: You're very honest.

Ms. Marshall, you have five minutes for your presentation. If you'd start by introducing yourself, please.

**Ms. Catherine Marshall:** Okay. I'm Catherine Marshall. I live in Aurora. I'm not sure what else—that's it.

Good afternoon. I want to thank the standing committee for listening to my deputation on Bill 42. I believe it is an important and overdue necessity for the over one million residents in York region to elect the most influential governing person in the municipality: the chair of York region.

We are way behind the times, with only two other regions in Ontario still appointing this most powerful political position. Of those, Peel is already considering this change ahead of the 2018 municipal election. In the Niagara region, at least the chair must be a mayor or regional councillor, and so elected democratically to govern.

I'm sure that you have already heard or read the so many good reasons to pass Bill 42—and the two times that similar bills have already passed second reading unanimously—so I would just like to emphasize the ways in which our current appointment process does not serve us democratically, in my opinion.

It is anachronistic that in this country, where we know which leader we are voting for while electing representatives to the national government and to the provincial government, and elect our mayor and representatives to the municipal government, we do not have a democratic voice in the choosing of the leader of the very powerful regional council. We do not even know who the potential candidates for this office are. Those candidates are not required to have ever been elected and held a governing position or to be answerable to an electorate. This appointed person will only be answerable to a majority of 11 votes on a newly minted York region council. A point against the argument that the officials at that council appointing the chair have the best experience to do so: At the time of appointing, this is just post-election, and many are sitting on regional council for the first time.

The process, I think, of electing the chair will be educational to the public and further their engagement and understanding of regional issues, our critical services that are overseen there and that this is where the chair, currently appointed, oversees a \$3-billion annual budget.

#### 1410

The municipalities of Aurora, East Gwillimbury, Markham, Newmarket and Whitchurch-Stouffville have all deliberated on the issue of whether to elect or appoint, and voted overwhelmingly to include the citizens in the process by supporting MPP Ballard's Bill 42. I am appalled that all their mayors except for Stouffville's chose to vote against these resolutions at the regional council level. When a mayor can represent only their own wishes at regional council, ignoring the other elected representatives of their municipality who represent us and who have supported better accountability in our leadership through the democratic process, it is time to change.

I would like to finish with a quote from a recent column by Chris Simon entitled "Election of York Region's Chair Makes Sense," on page A6 in the February 25 issue of our regional newspaper, the Banner. He very succinctly sums up my deepest concerns, I believe: "The chair is the highest paid municipal political position in the region, but its selection process is the least scrutinized. It's time to change that. York residents should select a chair through the rigours of an election campaign, where candidates debate their competing visions for the region and show they're worthy of your trust and tax dollars."

Thank you very much for this opportunity.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to Ms. Naidoo-Harris.

**Ms. Indira Naidoo-Harris:** Thank you, Chair. First of all, I want to start out by thanking you, Ms. Marshall, for coming in and participating in our electoral process and making sure your voice is heard. I'm especially impressed by the fact that, just briefly looking over your background, I see that you are quite engaged locally in your community. I know that that says a lot about the kind of resident you are for your community.

I see that you are on the Highland Gate Rate Payers Association. You're also involved with the environment



and sit on an advisory committee to the town. These are great things. It also means that you're involved quite a bit with regular folks—that you get to sit down and find out what people in your community think about various things.

So, tell me: In your conversations with people in your community and in your area, what do you hear when it comes to this particular issue in Bill 42? What kind of a response is it getting?

**Ms. Catherine Marshall:** I think the fact that people's attention has been brought to this issue—they were almost ignorant of it before, so I'm really pleased that the bill has been brought forward again—or a similar bill—because people are amazed that the chair is not elected.

The information that is now coming because of this discussion and push—people seem to think that an election is obvious. It's a responsibility that we should all have and that appointment is not appropriate at this time.

**The Chair (Mr. Monte McNaughton):** Mr. Ballard?

**Mr. Chris Ballard:** Thank you. I thank you very much for coming down from Aurora today. I know that the weather isn't that great.

**Ms. Catherine Marshall:** Actually, it's gorgeous out.

**Mr. Chris Ballard:** Is it beautiful out there now? Good stuff. I look forward to the trip home.

I recall seeing you numerous times, appearing before Aurora council when I sat there, bringing concerns forward. You're very involved in following what's going on within town. Do you think the direct election of a regional chair is going to increase people's awareness of what the region does?

**Ms. Catherine Marshall:** Oh, absolutely. I think, at least from the bits that I hear, that people really don't know what their region's responsibilities are as opposed to the town's, and how much the region's decisions can affect our town and our own lives. There are critical issues. I believe—

**The Chair (Mr. Monte McNaughton):** Ms. Marshall, I'm sorry. We have to move to the official opposition. Mr. MacLaren.

**Mr. Jack MacLaren:** Would you say the majority of the people in your community are supportive of an election of your regional chair?

**Ms. Catherine Marshall:** I can't really speak for the majority, but to me, it's the most reasonable approach, and so I would have to give them the benefit of the doubt and say yes, they must be. I haven't done a referendum or seen one.

**Mr. Jack MacLaren:** It's pretty clear from what we hear that most people are in favour of this bill and of having an election for your chair. In the interest of making it a local initiative in the form of a referendum, as opposed to the provincial government telling municipal government, or regional government in this case, what to do—in other words, keeping decision making at the grassroots level where it more appropriately should be, I would say. They've done this kind of thing in the region of Durham. Would you consider a referendum as a

reasonable approach, or a better approach, to achieving your goal of election for your chair?

**Ms. Catherine Marshall:** I think that the necessity of a democratic process is obvious. I'm not sure that resources need to be spent on a referendum. It seems obvious to me that the regional chair should be elected, so I would not see a referendum as a necessity. I'm comfortable with the province overseeing it, with the understanding that democracy is the best approach.

**The Chair (Mr. Monte McNaughton):** Mr. Hardeman?

**Mr. Ernie Hardeman:** There have been a lot of discussions about this being a unique situation and that it should be broadened out so that it covers all regions. We hear that there are three regions that have gone to direct elections, three that haven't and so forth. It is true, from my own information, that every one that was created since 1970—all the regions had indirectly elected chairs. They've all, one at a time, changed to what they presently have—those that have changed. Do you think it's necessary that we broaden it out that everybody has to be one way or the other?

**Ms. Catherine Marshall:** I'm not sure I understand the question.

**Mr. Ernie Hardeman:** Durham region is now directly elected by the people. Originally, it wasn't.

**The Chair (Mr. Monte McNaughton):** Mr. Hardeman, I'm sorry; I have to move on to the third party and Mr. Mantha.

**Mr. Michael Mantha:** Thank you for joining us today.

When you started out with your comments, you referred to Chris Simon in a quote. I thought you were going to talk about Chris Simon the ex-hockey player who lives in Wawa. I was thinking, "Wow, Chris is getting around," because—

**Ms. Catherine Marshall:** Who's that?

**Mr. Michael Mantha:** I don't want to put words in your mouth but—I'm just trying to do some math here. Earlier, Mr. Thompson said that 33 out of the 40 councillors were very supportive of this. If it's transparency and engagement that we're trying to do—I'm thinking that those 33 probably got a very strong message and mandate from their constituents, because that's who they represent as far as coming forward. In my mind, that's a pretty strong message as far as what the people from this region want. Bar none, any of the other arguments—and I still haven't heard a good argument to not do this.

I know you didn't want to put words out there speaking for the majority of individuals out there, but the facts speak for themselves. When you look at individuals in the position, the reason why all of us are here is because we're listening to constituents back home. Thirty-three out of 40, relating back to the communities they represent—that's a pretty strong message, would you not say?

**Ms. Catherine Marshall:** I would certainly say so. I think the regional councillors are supposed to represent their electorate, the municipality, and I do think it's a strong message.



**Mr. Michael Mantha:** I'm looking at the list: 16 to come up next. I'm hoping this is going to be a clean sweep with yeas and we're not going to see any opposition to this, other than the written submissions that are there. That's a pretty strong message.

I think York region has given a directive to this committee as far as what they want to see. They want to elect their individuals and they want to see greater engagement and greater involvement from their chair. I think it's fair to say that we've got a decision to make here.

1420

**Ms. Catherine Marshall:** I'm very glad to hear it.

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Monte McNaughton):** Great; thank you very much for your presentation.

**Ms. Catherine Marshall:** Thank you very much for the time.

MS. CHRISTINA BISANZ

**The Chair (Mr. Monte McNaughton):** We'll now call upon Christina Bisanz—hope I pronounced that properly.

**Ms. Christina Bisanz:** You did.

**The Chair (Mr. Monte McNaughton):** If you would state your name for the record, please. You have five minutes for your presentation, and then we'll move to questions.

**Ms. Christina Bisanz:** Yes, thank you very much. Good afternoon, Mr. Chair and members of the committee. My name is Christina Bisanz and I'm the ward 7 councillor for the town of Newmarket. Coincidentally, the region of York headquarters is located in my ward and it's the largest employer in my ward, so I have a particular interest in the region and its functioning from that standpoint.

I realize that I am the last of a long lineup of speakers that you've heard from today and previously. I think, Mr. Mantha, I'm number 15. I've read through the transcripts of last week's meetings. I've listened to the comments of the others here today. I realize that you've heard many times the background and history of why, in 1970, it seemed to make a lot of sense for the region to appoint the chair. You've also heard that the region has grown significantly since that time in size, in the size of our budget and so forth. I know I don't need to take your time to comment on those things.

On February 8, I brought forward a motion to Newmarket council in support of Bill 42, requesting that the province pass the bill and enable the election of the regional chair. My motivation was based on my belief, which has been echoed by many residents and those who have appeared before you, that the position of the regional chair is a significant enough one in the construct of the region's responsibilities and its influence in our lives, livelihood and quality of life that the role of the chair now supports being an elected role with a very clear mandate from the citizens of our region. That motion was supported in an 8-to-1 vote by council.

It has been suggested that the role of the chair is a limited one—presiding over council meetings, voting in the event of a tie and so forth—and that a change from the current process is unwarranted. However, we know that section 225 of the Municipal Act actually states that as head of council, the chair also acts of CEO of the municipality; provides leadership to council; represents the municipality at official functions; promotes public involvement in the municipality's activities; acts as a representative of the municipality; and so on and so forth.

Recently, for example, regional chair Emmerson successfully organized and led a delegation from regional council to Ottawa for what I understand were a number of very fruitful meetings with the Prime Minister and several federal ministers. So it is a significant role.

I understand that the Municipal Act provisions are mirrored by those related to the head of council and CEO in the City of Toronto Act—in other words, the elected mayor. However, despite the importance of the role, particularly in the growing region of York, the position is not advertised to the general public to inform them of the process or to possibly increase the number of qualified candidates. The majority of the region's population, as we've heard, is not even aware of the significance of the position of chair of York region, or that it's an appointed position.

I must say that one thing that has happened as a result of MPP Ballard's initiative in putting forth this bill and the all-party support in bringing it thus far—and I want to commend you all for that—is that we've sparked more public awareness and dialogue about the role of both the chair and the region, and that's healthy, it's positive and it's timely.

I understand that MPP offices across York region have received hundreds of phone calls asking for direct election of the regional chair now. I've personally received numerous responses from residents throughout Newmarket expressing their support for my motion. The public fully supports Bill 42 because it enhances the democratic process and it gives them a sense of ownership of the region that their lives are so invested in.

I'd like to conclude with a comment regarding the timing of this bill. I believe that time is of the essence, given that 2018, particularly when we're all viewing it from our lens of an elected official, is just around the corner. I recognize that there's a lot to do to put all processes in place to make this happen for the next election. Otherwise, we'll be making democracy wait until 2022. It's time for change. Thank you.

**The Chair (Mr. Monte McNaughton):** Right on time. Thank you very much. We'll move to the official opposition. Mr. Hardeman.

**Mr. Ernie Hardeman:** Thank you very much for your presentation and all your hard work on this issue. I just wanted to point out, going back to the years when all the regions were formed, that there was a reason why they called it regional chair, not regional mayor. In fact, the position is exactly the same except, at the time, they didn't give the chair any power. He only had the



ability—at that time, they were all “he”—to break the tie, so all decisions were made by council. He only chose if the council was equally divided.

Council has let that change happen. Legislation hasn't changed since for that position. What's your suggestion to keep that from happening if it's an elected chair?

**Ms. Christina Bisanz:** From council changing—

**Mr. Ernie Hardeman:** To actually give him the power that he has now. What do you think needs to change? The power they have is exactly what it was then: just to run council. In fact, the city of Toronto decided to put in a speaker to do exactly what regional chairs were supposed to do originally.

**Ms. Christina Bisanz:** To answer your question, the mandate is there. The difference is, it's not a mandate that has been chosen and elected by the populace which that position represents as a whole. That's the democratic process that's missing.

**Mr. Ernie Hardeman:** Thank you very much. It's what we wanted to hear.

**The Chair (Mr. Monte McNaughton):** Great. We'll move to Mr. Mantha.

**Mr. Michael Mantha:** Good morning, Christina. How are you doing?

**Ms. Christina Bisanz:** I'm well this afternoon. It's been a long day for you.

**Mr. Michael Mantha:** You know what? A lot of individuals are always opposed to change. Change is frightening for some people sometimes.

You referred to a couple of dates, and I made note of them. In 1971, when this whole thing started, I was in kindergarten. That was quite a few years ago. I always keep hearing changes and people referencing “those days.” I hear it in the House among our colleagues; I hear about the Rae days. Those were in the 1990s, 1995. Then you get into the early 2000s; those were the Harris years. And then we get into the last 13 years and possibly the next two years, in 2018; we have the Liberal years.

I absolutely agree with the statement you made: It's long overdue. It's time for change.

Thank you for joining us.

**Ms. Christina Bisanz:** Thank you.

**The Chair (Mr. Monte McNaughton):** A man of few words. Thank you, Mr. Mantha. We'll move to Mr. Anderson.

**Mr. Granville Anderson:** Hi, Christina. Thank you for being here and thank you for the work you're doing in your community.

I am from a region that now has an elected regional chair, the region of Durham. In the beginning, you heard the complaint that the sitting chair who ran would have an unfair advantage, but that would only happen, probably, the first time around, and as people understood the process, it would become fairer and more equitable.

The current chair—I don't know what he said before being elected—said he feels it legitimized his position and he feels good that he actually represents the people. That's a good thing. He supports that wholeheartedly because he's responsible to all of Durham region, the various communities. To him, that's of personal satisfaction.

The second part is, I see that the mayor of Aurora had something about governance and imbalance. If you look, Durham region just fixed that, and it was done internally. Oshawa had eight regional councillors and other areas were under represented. They just rejigged the representation to make it more equitable. You don't need legislation for that; that's something that's done internally.

I know I'm doing all the talking, so any comments on what I've said?

**Ms. Christina Bisanz:** I think that the situation you've described is one that the region of York is currently considering. In fact, at the last council meeting, council bifurcated the two issues, if you will. They had a vote on this issue of the elected chair role, but they also voted in support of a governance review.

I think there is a recognition that there is need for change. There is need to adapt to the fact that the environment in which the region is operating is demonstrably different now, that there's a need to better respond to the challenges that the region as a whole has, and that means a different way of looking at representation in all areas of the region to make sure that that's done appropriately.

To commend the council, they are forward-looking with respect to needing to have some changes. I just don't understand why this very fundamental part of ensuring that the change is one of a full democratic process has not been included in that deliberation.

**The Chair (Mr. Monte McNaughton):** Thank you very much, Ms. Bisanz. That's all the time we have.

I'd like to thank all the presenters for coming today, and last week as well, and thank the members of the committee. We will be meeting next Wednesday to discuss Bill 76, the Natural Gas Superhighway Act, 2016.

Meeting is adjourned.

*The committee adjourned at 1430.*







## CONTENTS

Wednesday 2 March 2016

Municipal Amendment Act (Election of Chair of York Region), 2016, Bill 42, Mr. Ballard / Loi de 2016 modifiant la Loi sur les municipalités (élection du président de la région de York), projet de loi 42, M. Ballard .....	M-195
Mr. Chris Campbell.....	M-195
Mr. Al Duffy .....	M-197
Mr. Joe Li.....	M-199
Mr. Gordon Prentice.....	M-201
Mr. Michael Thompson.....	M-203
Ms. Catherine Marshall.....	M-206
Ms. Christina Bisanz.....	M-208

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### Chair / Président

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### Vice-Chair / Vice-Président

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### Substitutions / Membres remplaçants

Mr. Ernie Hardeman (Oxford PC)

Ms. Indira Naidoo-Harris (Halton L)

#### Clerk / Greffier

Mr. Trevor Day

#### Staff / Personnel

Mr. Jeff Parker, research officer,  
Research Services



M-22



M-22

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 9 March 2016

# Journal des débats (Hansard)

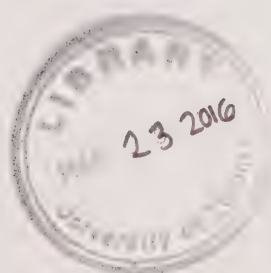
Mercredi 9 mars 2016

## Standing Committee on the Legislative Assembly

Natural Gas Superhighway  
Act, 2016

## Comité permanent de l'Assemblée législative

Loi de 2016 sur l'autoroute  
du gaz naturel



Chair: Monte McNaughton  
Clerk: Trevor Day

Président : Monte McNaughton  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 9 March 2016

Mercredi 9 mars 2016

*The committee met at 1300 in committee room 1.*NATURAL GAS SUPERHIGHWAY  
ACT, 2016  
LOI DE 2016 SUR L'AUTOROUTE  
DU GAZ NATUREL

Consideration of the following bill:

Bill 76, An Act to encourage the purchase of vehicles that use natural gas as a fuel / Projet de loi 76, Loi visant à encourager l'achat de véhicules utilisant du gaz naturel comme carburant.

**The Chair (Mr. Monte McNaughton):** Good afternoon, committee. Welcome to the Standing Committee on the Legislative Assembly. We're here today to discuss Bill 76, An Act to encourage the purchase of vehicles that use natural gas as a fuel.

## US GAIN

**The Chair (Mr. Monte McNaughton):** Our first presenter is Marc-André Paquin.

**Mr. Marc-André Paquin:** Correct.

**The Chair (Mr. Monte McNaughton):** If you'd just introduce yourself. You have five minutes to present, then three minutes from each party, starting with the official opposition.

**Mr. Marc-André Paquin:** Certainly. We'll start right away with page 1. Good afternoon. Thank you for taking the time to be present here and to listen to what we have to say on this grand initiative, which is natural gas for vehicles. My name is Marc-André Paquin. I'm the Canadian business development manager for US Gain, operating the Gain Clean Fuel CNG public refuelling network.

What is Gain Clean Fuel? Gain Clean Fuel is, as I mentioned, a network managed and operated by US Gain, US Gain being a division of the grand family of US Venture, owned by the Schmidt family and located in Appleton, Wisconsin. We opened our Canadian entity in June 2015, and in the fall of 2015 we opened our first two Canadian public CNG refueling stations, in Mississauga and in Coteau-du-Lac, just west of Montreal.

Page 2: Like you can see there, this is our first station—opened in the fall of 2015, in Mississauga. The project was completed in partnership with CAT, Canadian American Transportation; with Emterra Environment-

al, which a few of you are probably already aware of; and obviously with the help of Ontario's own ComTech CNG. This will allow public CNG refueling at strategic locations. This specific strategic location—we'll see it on the next slide, if you want to switch the page—is a golden location, right at the intersection of Highway 401 and Dixie Road.

Page 4: As you can see, the CNG station is very similar to what we already know about your card-lock-type commercial stations. They allow for a fleet to refuel CNG 24/7, in a similar timeframe as what drivers are used to when it comes to diesel.

I mentioned that our Mississauga station was our first one in Canada, but it is also our flagship. It's as big as any other station that we have across our North American network. In addition to providing CNG for all interested fleets and all interested CNG vehicle owners, the station connects and fills, every night, almost 100 Emterra refuse trucks. What you see at the back of the picture that look like big blue containers are actually refuse trucks that are parked there every night and that are filled throughout the night, so that the driver leaves with a full CNG truck in the morning. The totality of the waste collection done by Emterra in the region of Peel is accomplished with CNG vehicles being fuelled at that station every day.

The next page will show you our Coteau-du-Lac station, which, for those of you that are aware of the province of Quebec, is just off the island of Montreal going west. Mississauga was our first station, but we also opened the second station a few months afterwards in the fall of 2015 as well. Those two stations really represent the foundation of our Canadian network, focusing on the most heavily used commercial trucking corridor in the country, the Quebec-Windsor corridor.

The next slide will show you the Gain Clean Fuel North American network. Our network spreads across North America, with over 50 stations. If we have over 50 stations, why do we only have two in Canada? The truth is that we've been behind as a country, as a province. We've been behind our southern neighbours when it comes to alternative energies for the commercial transport sector, specifically with the class 7 and 8 trucks. The province of Ontario currently has less than 10 stations, and the country as a whole has less than 50.

The next slide will show you that, conversely, the United States is currently hosting almost 1,000 public natural gas refuelling stations. California, the cap-and-

trade partner for Ontario and Quebec in the carbon market, hosts over 300 CNG and LNG sites by itself.

Why natural gas for vehicles and, really, why support Bill 76? The first factor and the most important factor is for the environment; specifically, to help meet and exceed our greenhouse gas emissions target. The second factor is from an economic standpoint: to improve the competitiveness of Ontario-based fleets throughout North America.

The next slide will show you Ontario's 2013 greenhouse gas emissions by sector. What do we notice by looking at this pie chart? The largest single sector of emissions is road transportation. Per vehicle, commercial road transport—diesel vehicles—produce more than any vehicles in the sector—

**The Chair (Mr. Monte McNaughton):** Thank you very much. We have to move to the official opposition for three minutes of questioning.

**Mr. Robert Bailey:** Sorry about that.

**Mr. Marc-André Paquin:** My apologies.

**Mr. Robert Bailey:** Thank you very much for coming in today to testify, Marc. I've only got three minutes and I know my colleague has got a question to ask. Based on your experience in other provinces and US states, which jurisdictions are leading in the natural gas transportation file?

**Mr. Marc-André Paquin:** Two provinces are currently the front-runners: the provinces of British Columbia and Quebec.

**Mr. Steve Clark:** In terms of fleets that come to you and want to switch to natural gas now that you've got the two facilities, can you give us some of the reasons why they switch?

**Mr. Marc-André Paquin:** Well, they switch, first of all, for the economics. If it's green, it's fantastic; it's part of their target and they want it to be. But that being said, they're not going to jeopardize their competitiveness in the market to make that switch. It makes sense because natural gas as a fuel is cheaper than diesel. You're going to see, in some of the slides that you'll look over later, the price difference is—even with a barrel at \$30, and as of this morning, the rack price in Toronto for the ultra-low-sulfur diesel was 55 cents a litre. If you add the taxes, it sums up to about 80 cents per litre.

**Mr. Steve Clark:** So what's the major barrier to them switching?

**Mr. Marc-André Paquin:** The engine, education, and a lot of these people have been doing business that way for a long time. There's the availability of the infrastructure, which we are working on. The engines are now up to par with what we expect them to be, and my friend at Cummins will be able to talk more in depth about that. Those would be the main two factors.

**Mr. Robert Bailey:** I have a question, so I'll just jump in if I've got a second. Do you think this legislation or something like it with amendments would go somewhat along to helping convince manufacturers and contractors, the owners of the fleets, to convert?

**Mr. Marc-André Paquin:** I can't say how much it's going to help. It's going to help tremendously. It affects and it helps the kickoff and acceleration of the CNG initiative for the fleets. If it doesn't make sense for them financially, even if it's green, even if it's in our best interest as a people, they're not going to make the move.

**Mr. Steve Clark:** It's obvious from your map that some of the states are head and shoulders ahead of where the province of Ontario is. Can you give us any idea how some of the states progressed this fast? You mentioned California, for example.

**Mr. Marc-André Paquin:** Correct. They progressed fast, first of all. They also started a few years ago. A lot of these states started to make that switch four or five years ago. If you go back four or five years ago—

**The Chair (Mr. Monte McNaughton):** Thank you very much. We have to move to Mr. Gates from the third party.

**Mr. Wayne Gates:** Hi. How are you?

**Mr. Marc-André Paquin:** Very good. Yourself?

**Mr. Wayne Gates:** Good. Do you believe that the specific financial incentives detailed in this bill are the appropriate measures to encourage the adoption of LNG vehicles? Is there another, alternative form of financial incentive that you believe would be better suited to the goal of encouraging more LNG vehicle use?

**Mr. Marc-André Paquin:** To motivate the use of natural gas for vehicles, I strongly believe that the effort must be targeted to those who will be using the product, so to the fleets, which is why I think that the bill is well directed. It touches on, probably, one of the main factors why the growth and acceleration of the market isn't where we think it should be.

**Mr. Wayne Gates:** Okay. This is a question that I found interesting when I was doing my research on the bill. If the price of natural gas were to increase dramatically, would the incentives detailed in this bill be enough to allow you to continue to purchase new LNG vehicles or have more go to it?

1310

**Mr. Marc-André Paquin:** If the price of natural gas were to go up all of a sudden—obviously this whole business case of switching to natural gas relies on the delta between the price of diesel versus natural gas. If the price of natural gas is up to par with the price of diesel, all things remaining the same, there is still a reason to do it, and that is specifically when it comes to the environmental advantages that we can perceive from using natural gas. So, yes.

**Mr. Wayne Gates:** Why don't you list some of those advantages?

**Mr. Marc-André Paquin:** From an environmental standpoint, looking at page 10, when you burn natural gas versus diesel, you can observe a 90% to 97% reduction in carbon monoxide emissions, 50% to 75% of non-methane hydrocarbon emissions, 25% of carbon dioxide emissions and 35% to 60% of nitrogen oxide emissions.

It's a reduction. Is it perfect? It is not perfect; it is not the perfect answer. What it is, however, is the best



technology we have today to optimize our transport of commercial goods in Ontario and Canada as a whole.

**Mr. Wayne Gates:** Okay. Thank you.

**The Chair (Mr. Monte McNaughton):** Great. We'll move to the government. Mr. Ballard.

**Mr. Chris Ballard:** Thank you. Just a technical question: I'm old enough now to remember at least two waves in Ontario where we had—

**Mr. Marc-André Paquin:** Yes, early 1990s.

**Mr. Chris Ballard:** —a conversion to propane and a conversion to natural gas. I remember looking at cars driving around with propane tanks, from my perspective, precariously close to the roadway as they drove along.

From a scientific perspective, because it's one thing to talk about price per litre or whatever, how much energy compared to, say, a litre of diesel versus a litre of compressed natural gas—what's the energy component of both or the dual—

**Mr. Marc-André Paquin:** Yes. So the BTUs produced by one litre of diesel is obviously not the same as what it is by one litre of natural gas. Diesel obviously contains a bit more energy than what natural gas does. So you do need to use a little bit more natural gas to achieve the same.

**Mr. Chris Ballard:** To achieve the same, yes, okay.

**Mr. Marc-André Paquin:** Yes, the same production of gigajoules.

**Mr. Chris Ballard:** Do you know how much more? This is just out of interest because I know that was one of the big things that people talked about in the past. I'm just interested if maybe new technology, new engines, have changed that a bit.

**Mr. Marc-André Paquin:** Correct. I don't have the specific numbers, nor do I want to give you the wrong answer. However, I can tell you that around 2:45 p.m. you'll have the precise answer to your question.

**Mr. Chris Ballard:** Okay. 2:45, good. If I've got just a second more, I know that obviously you're the business development manager for Canada, but I'm wondering if you can tell the committee members a bit more about the American experience with natural-gas-fueled vehicles.

**Mr. Marc-André Paquin:** Yes. The market has developed at an impressive speed over the last four or five years, motivated mainly by the price of diesel, motivated also by the initiative of the United States to reduce their greenhouse gas emissions, obviously led by the province of California, which is head and shoulders above all the other states.

So it has developed well, and it has developed because of a couple of reasons. The engines from Cummins, when the 12-litre engines became available, it really made sure that most of the fleets in the United States, whatever their business model is, had access to a natural gas engine. That would be the first one.

The second one would be to have the necessary infrastructure. Depending on the routes, wherever you want to go or at least in the major urban points, you will have availability and you will have stations that can fill your trucks.

**The Chair (Mr. Monte McNaughton):** Ms. Wong.

**Ms. Soo Wong:** I wanted to ask you, sir, with regard to your presentation—because your sector is relatively new in terms of conversion of our traditional gas vehicles. I come from a very diverse community. How are you working with the community to ensure to educate our community about this new type of fuel efficiency but also to educate our community about natural gas? Are you committed—

**The Chair (Mr. Monte McNaughton):** Ms. Wong, I'm sorry, we're out of time. Thank you very much—

**Mr. Marc-André Paquin:** Can I just answer the question?

**The Chair (Mr. Monte McNaughton):** No, we're out of time. I'm sorry.

I would like to remind committee to keep your questions short so the presenters have time to answer.

Thank you very much for presenting today.

**Mr. Marc-André Paquin:** Thank you very much, everyone. I appreciate it.

## UNION GAS

**The Chair (Mr. Monte McNaughton):** I'd now like to call upon Union Gas and Dave Simpson.

Thank you, Mr. Simpson. If you would just identify yourself for the committee, you'll have five minutes for a presentation and three minutes from each party, starting with the third party.

**Mr. David Simpson:** Thank you very much. Good afternoon. My name is Dave Simpson. I'm the vice-president for sales and marketing and customer care with Union Gas. We serve 1.4 million natural gas customers across 400 communities in Ontario.

In our few minutes together today I want to convey two things: first, to voice our strong support for Bill 76, the Natural Gas Super Highway Act, which recognizes the important role natural gas can play as a fuel for medium and heavy-duty vehicles on Ontario's transport routes; and second, to say that while passing Bill 76 would be an important step, it's only one step. It's one step towards fully transforming Ontario's transportation sector, and it is time to think big and act decisively. That's where natural gas does in fact come in.

Highway 401 runs about 800 kilometres, from Windsor to Quebec's border. Every day, thousands of trucks carry their goods to and from manufacturers and consumers in Ontario and beyond. About 60% of Canada's road-travelled trade with the US occurs on this small corridor. Natural gas in a compressed or liquefied state is cleaner than diesel and it costs up to less than 50%.

If passed, Bill 76 will help facilitate switching to natural gas by allowing a higher weight limit on Ontario's highways to accommodate heavier fuel tanks without sacrificing payload. The bill's proposed tax credit will help incent a general shift towards vehicles powered by liquefied and compressed natural gas.

Major American trucking companies are already taking that first step. Companies such as UPS are incor-



porating liquefied natural gas, or LNG, into their long-haul fleets, as are regional trucking companies from Illinois to Florida. Name-brand manufacturers like Nike and Walmart are pressing for transportation of their goods by natural gas vehicles.

In Hamilton, we are supporting, as Union Gas, the local public transit provider as it grows its compressed natural gas bus fleet to 120 buses over the next six years. This move represents about \$40 million in savings to that community over the next 20 years, and Hamilton isn't alone. We see other applications for natural gas: as a rail fuel, as a marine fuel. In Europe, natural-gas-fuelled ships are already being built and operated in national waters, mainly for transport and commercial use. The world's largest cruise ship company, Carnival Cruise Lines, has announced it is building four new ships that will be 100% powered by liquefied natural gas while at sea, and they will use the LNG to generate electricity while they're stationed at the port.

By 2035, we can achieve annual emission reductions in the transportation sector as a whole that would be the same as removing more than 545,000 cars from Ontario's roads for a year, if we reach for aspirational targets. That would represent perhaps up to \$3 billion a year to our overall economy in savings.

We are excited about harnessing the tremendous potential of natural gas to lower emissions in the transport sector, which is the number one greenhouse-gas-emitting sector in this province, while delivering substantial cost savings that will help Ontario businesses support growth and competitiveness.

I'd like to thank you for your time in this afternoon, committee, and I look forward to your questions.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We'll begin with the third party. Mr. Gates.

**Mr. Wayne Gates:** How are you this afternoon?

**Mr. David Simpson:** I'm very well, thank you. How are you?

**Mr. Wayne Gates:** Good. Could you explain what the Dawn Hub is?

**Mr. David Simpson:** Absolutely. Dawn is a wonderful gift that Mother Nature gave us, located between Chatham and Sarnia. It's a rock formation about 2,000 feet below ground. I always explain it as a sponge. It's a rock that acts like a sponge in the Petrolia area. It was the first find of oil on this continent, and natural gas was close by.

We are able to store natural gas back into this rock, safely and effectively, so that we can manage our winter peaking demands by injecting gas into this rock in the summer and withdrawing it in the wintertime to supplement our higher consumption requirements. It's all underground, but it is the largest storage hub in Canada, and it is one of the most liquid trading points for natural gas on the entire continent.

**Mr. Wayne Gates:** Now, from that hub, you have a lot of distribution, as well, which goes right across Canada and North America. Is that accurate?

1320

**Mr. David Simpson:** Well, Union Gas is an Ontario provincial distribution company, our parent is Spectra Energy, which is a North American company, but Union Gas operates within the province of Ontario, basically serving all customers with the exception of Enbridge's service territories, which are the greater Toronto area, Ottawa, St. Catharines and a few others.

**Mr. Wayne Gates:** I apologize for that. The point was that the storage is the biggest in North America. I kind of messed up on that.

In order to talk about financial incentives outlined in this bill, to function, the federal government must be willing to make amendments to the Excise Tax Act. Do you have reason to believe the federal government will be willing to do this?

**Mr. David Simpson:** Well, I know this for sure: Businesses need assistance in getting this opportunity started, and Bill 76 brings to the forefront exactly that. It has opportunities to help motivate businesses in a tax way and in an incentive way, and to help them from a productive standpoint in making sure that the payload that they're carrying isn't sacrificed.

**Mr. Wayne Gates:** Okay, thank you. What benefit, if any, will your organization see as a result of the shift to more LNG vehicles being used?

**Mr. David Simpson:** This has got twofold benefits, as I opened with: one that's economic and one that's environmental. I think finding the balance between both of those is the exact objective of the province.

**Mr. Wayne Gates:** Thank you very much, I appreciate it.

**The Chair (Mr. Monte McNaughton):** Great timing. We'll move to the government. Ms. McMahon.

**Ms. Eleanor McMahon:** Nice to see you. Thank you for being here. I'm from Windsor originally, so I've had friends over the years that work at your company, based in Chatham, just down the road. I'm now the MPP for Burlington.

**Mr. David Simpson:** Very good.

**Ms. Eleanor McMahon:** A quick question for you: I used to work at Petro-Canada, so I know a little bit about the downstream and gasoline industries as a consequence. Whenever we talk about natural gas, infrastructure is always an important part of the conversation. Can you talk a little about the infrastructure requirements for us to really look at using natural gas more broadly and, secondly, how that would impact our infrastructure? Because wear and tear on our roads is an incredibly important conversation for both the province and municipalities.

**Mr. David Simpson:** Very good. Thanks for the question. I would just say that, in Ontario, we're blessed with natural gas infrastructure in a couple of ways. The first is what Mother Nature provided. Storage facilities in themselves are a natural infrastructure that would otherwise reduce the need for larger assets to bring gas in on a peak winter day without access to storage. So I think we're blessed on a natural basis.



On a physical basis, we have one of the largest systems in terms of a peak-day capacity in Ontario. I think we're number two or three in North America. The amount of gas that we can flow effectively down the 401 corridor rivals any other major natural-gas pipeline system in North America.

And we have access to very affordable and very close supply basins, as close as Pennsylvania and Ohio and as far as Alberta and BC. We are connected to them all. They all converge at the Dawn Hub, which creates liquidity for trading and low-pricing stability, and then physically flow west to east to serve markets, not just Union, but also within Enbridge and beyond our borders into Quebec and the US.

**Ms. Eleanor McMahon:** How do we supplement that infrastructure with infrastructure that's necessary for natural gas vehicles, for example?

**Mr. David Simpson:** It could result in some infrastructure improvements and expansion. We're used to that. We are in the midst right now, as Union Gas alone, of investing over \$2 billion over the next three years. It is a very significant construction period for us. What's driving that is the desire by the customers I just named—the GTA, Quebec and the US—to have access to Dawn and to have access to low-priced natural gas that's clean, affordable and available on our system. We're expanding our system from roughly a \$4.5-billion asset base to \$6 billion over the next three years.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move now to Mr. Bailey.

**Mr. Robert Bailey:** Thank you, Mr. Simpson, for being here today. I want to say from the outset that the Chair and I share the Dawn Hub in our two respective ridings, so I would encourage all of the committee members that are here today to take the time and contact Mr. Simpson and take the opportunity to go and see the hub. It's certainly a magnificent facility, what they're doing down there safety-wise and storage-wise.

To move on to a question: Ontario right now is consulting on a climate change plan, Dave, and given that natural gas transportation would reduce greenhouse gases, do you think that the measures included in this bill, and probably with amendments, could help Ontario, in some small way, incrementally meet its greenhouse gas initiatives?

**Mr. David Simpson:** Thank you for the question. And absolutely, anybody interested in seeing Dawn, our facility, I would be pleased to help facilitate that.

This bill will help us as a province do two things: It will help reduce greenhouse gas emissions. The transport sector is the largest contributor of greenhouse gases, and the long-haul heavy-duty portion of that sector is the most significant and fastest-growing sector. So it is the exact sweet spot where we should be going, with available technology today, to see results today.

So yes, I do think it will help on an environmental perspective. I also want our businesses to be able to compete. I want them to save money so that the transport of their product is cheaper to keep and grow the jobs that we have in Ontario.

**Mr. Steve Clark:** Chair, do we have more time for a question?

*Interjection.*

**Mr. Steve Clark:** Thanks, Mr. Simpson, for being here. With your experience looking at different jurisdictions in other provinces and other US states, I'd like to know what type of incentives those areas use to spur on natural gas transportation. Could you outline that for us?

**Mr. David Simpson:** Yes. I think we're on the right path with this bill, as I've alluded to. It helps, I'll say, the transport company in a couple of ways through a tax incentive, which is really critical to help motivate the conversion of their fleet. I mentioned Hamilton Street Railway as a leading example on compressed natural gas. Robert Transport out of Quebec is a very distinguished leader of liquefied natural gas for their long-haul truck fleet. I think those are two examples where motivation, especially in Quebec—that's already existed—would help. Any additional motivation in terms of conversion costs as well as the road allowance for weight—all of those coupled together, I'm convinced, will help motivate this to take off.

**The Chair (Mr. Monte McNaughton):** Mr. Bailey?

**Mr. Robert Bailey:** I've got time for one more. I'm going to ask you to get your crystal ball out, Mr. Simpson. Natural gas is quite reasonable right now. Can you give us an idea with what it might be in five, 10, 25 years? I think that's what some of the members are concerned about: "Okay, we move this way now; where are we going to be at down the road?"

**Mr. David Simpson:** Sure. There are ample studies that have been completed. We've gone through a transformation in North America with respect to natural gas. I don't think that's completely well understood. By that, I mean we have managed to become—rather than a net importer, we actually are self-sustaining in terms of the gas we have in North America. So the supply picture is much improved and it's to be that way for a long time—

**The Chair (Mr. Monte McNaughton):** Mr. Simpson, I really apologize. That's the time. Thank you very much for presenting.

**Mr. David Simpson:** Thank you very much for your questions.

## THE RUSTBELT GROUP

**The Chair (Mr. Monte McNaughton):** I just wanted to call out to see if anyone from Canada Steamship Lines has arrived yet. If not, we'll call upon the Rustbelt Group: Christopher Milani. Thank you very much for coming forward early to present. If you would introduce yourself, and then you'll have five minutes for your presentation and three minutes of questioning from each party, starting with the government.

**Mr. Chris Milani:** Good afternoon, Chairman McNaughton and distinguished committee members. My name is Chris Milani. I appreciate the opportunity to speak before the committee to advocate for good public policy under proposed Bill 76, to support the expansion



of natural gas as a clean, safe, abundant and economically efficient alternative fuel for transportation in Ontario.

Today, I'm here to impress the need for policy incentives in Ontario under the provisions of Bill 76, and to support transportation fleets with a desire to convert from petroleum to natural gas fuel, by providing equalizing gross weight exemptions of 2,000 pounds and a reduction in the HST for natural-gas-powered trucks domiciled in Ontario.

As the co-founder and principal of a US-based business working closely with major transportation fleets in Canada and the US, I represent the Rustbelt Group. The Rustbelt Group is an Ann Arbor, Michigan-based consulting firm, and we have been contracted with FCA Transport, formerly known as Chrysler Transport, since 2014 as a force multiplier in the role of project management to convert the private FCA Transport fleet of 340 class-8 over-the-road tractors from diesel fuel to CNG power.

1330

With an annual CNG capacity of approximately 38 million gasoline equivalent litres, the largest commercial CNG fueling station in North America was successfully commissioned at the FCA Transport terminal in Detroit last fall. Another major station for FCA Transport will commence construction later this year in Windsor at the FCA Windsor Assembly Plant on Walker Drive.

The Rustbelt Group is also contracted with the Ford Motor Co., and we currently work with their government fleet team at their world headquarters in Dearborn, Michigan. Personally, I volunteer and serve on the executive board of directors for the Michigan Trucking Association in the capacity of vice-president. I also serve as a founding member of the new Clean Fuels Michigan coalition.

Prior to co-founding the Rustbelt Group with my business partner, Matt Sandstrom, I accumulated three decades of executive transportation experience. Early in my career, I ran business units for the OEM drivetrain manufacturers, like Eaton Corp., where I experienced an expat assignment as the general manager of the Canadian business unit, based here in Brampton. A bit later in my transportation career, I returned to Canada as vice-president of van operations for a publicly traded Woodstock, Ontario, company named Contrans. My responsibilities included the day-to-day operations of Laidlaw Carriers and Brookville Carriers.

Since 2004, my involvement with natural gas as an alternative fuel includes the ownership of a retail heavy-truck sales and service business that supported the natural gas vehicle markets in New York and New Jersey. This provided me the opportunity to work shoulder to shoulder with many major transit, refuse, and over-the-road fleets regarding the successful deployment of heavy-duty natural gas vehicles.

When my family and I moved back to Michigan in early 2009, I returned to trucking and assumed the position of operating the day-to-day business for a Michigan-based logistics company named UBCR.

Immediately, it was apparent that the fleet application was an excellent fit for natural gas vehicles.

With the assistance of terrific industry partners like the Michigan Clean Cities Coalition, Ryder Leasing, Cummins Westport and a local gas utility, we deployed 16 CNG heavy-duty trucks and built two truck-friendly, high-capacity public access fuelling stations near north-west Detroit and Grand Rapids, Michigan. This enabled our fleet to pull over 2.2 million miles annually.

With these solid public and private partnerships and securing \$2.1 million in US Department of Energy grant funding, we were able to orchestrate a natural gas initiative at our fleet that annually displaced 1.5 million litres of diesel, thereby reducing harmful greenhouse gases by 135,000 pounds per year while carving out significant operating costs by reducing our net fuel expense by 45%.

Most unique about the UBCR switch to CNG was that it was the first of its kind in North America in terms of an entire fleet conversion from diesel to compressed natural gas. Until FCA Transport went online with their CNG trucks and reached a steady state last fall, UBCR burned more natural gas in transportation than any other business in Michigan.

Our clients included soft drink producers and beer and wine wholesalers who fully embraced the greening of their supply chain.

**The Chair (Mr. Monte McNaughton):** Mr. Milani, I'm sorry. We have to move to the government for questions.

**Mr. Chris Milani:** Yes, I would be glad to field some questions.

**The Chair (Mr. Monte McNaughton):** We'll move to Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much for coming in. It's some very good information, and very intriguing information, that I've been hearing.

You're probably aware that Ontario recently reformed its weight laws to consider the maximum weights that we could allow on our roads while doing the least amount of damage to the roads and bridges and other sorts of infrastructure. So there is some concern that providing that additional—I think you were talking about an exemption of up to 2,000 pounds. There is some concern that if we go above the regulations, it could result in increased road and bridge damage and could have negative effects on safety.

Can you address those concerns?

**Mr. Chris Milani:** Relative to the wear and tear on the roads, I think it would be absolutely nominal, if there is any measurable depreciation in the wear and tear on the roads.

In regard to safety, trucks that are on the road and being built today are the most safe vehicles, with collision avoidance systems and with disc brakes—before, they were always drum brakes—and, of course, with the ABS systems and a number of other safety features. The Chrysler trucks that they put on the road are by far the safest trucks that they've ever acquired. Their drivers felt very compelled to go out and promote that



element of driving the safe trucks on the US side when they were actually meeting with some of the Canadian drivers. They felt very comfortable with the safety element of these new trucks.

**Mr. Chris Ballard:** So that additional gross weight that would be needed to carry the additional fuel—your sense is that it would only have a nominal impact on wear and tear on roads and bridges?

**Mr. Chris Milani:** I think it would be very nominal. I'm not sure how you would actually measure that; I'm not the scientist on this subject. In Michigan, like Ontario, we do have some heavy GCWs, up to 160,000, and it's predicated based on the number of axles and the spacing of those axles.

Our roads in Michigan are not in very good shape, but it's not really from the effect of the B-trains and the super Bs and the Michigan specials that run along those routes. There's a lot of debate back and forth on bridge formulas and how they actually impact the wear and tear on infrastructure.

**Ms. Eleanor McMahon:** I'm nodding my head because I used to work at Petro-Canada and so B-trains are a conversation I know something about.

**The Chair (Mr. Monte McNaughton):** You have about 10 seconds, Ms. McMahon.

**Ms. Eleanor McMahon:** Can you tell me a little bit about the cost with the automotive industry? It's been a barrier to conversations because the engines are very expensive when it comes to personal vehicles.

**Mr. Chris Milani:** Yes, and that's where there's been—

**The Chair (Mr. Monte McNaughton):** Sorry. I really apologize. We have to move to Mr. Bailey from the official opposition.

**Mr. Robert Bailey:** I'll try to work it into my question. I'm going to ask you my two questions and maybe you can answer the cost on the motors, because that's something that I'd like to get fleshed out too.

One of my first questions: Is Ontario being left behind in the natural gas transportation sector because we haven't moved this way yet? We hear a lot about electric cars, electric transportation. Can heavy-duty trucks or ships or trains do the same job today running on electricity or do we really need to look at LNG?

**Mr. Chris Milani:** I'll address the latter question first. It really has to do with range and weight. You've got two detrimental effects there with electric vehicles when you're talking heavy duty. In terms of power, yes, you can probably generate the power necessary to pull, but you're not going to get very far without having to recharge, with today's technology.

The first question, I'm sorry—

**Mr. Robert Bailey:** The first one was, are we being left behind on the cost? But the other one, if you do have time to answer Ms. McMahon's question about the difference in—

**Mr. Chris Milani:** Yes, absolutely. There has been a lot of leadership shown by some of the other provinces, as well as some of the other states in the US: Pennsyl-

vania, Oklahoma, Texas, Ohio. There are exemptions for CNG and LNG vehicles in most of the Great Lakes states except Michigan. We're working on that right now, the 2,000-pound exemption that we're talking about, to equalize the difference between a diesel fuelling system and a natural gas on-board fueling system.

In regard to being behind, you'd really like to see these things driven by the marketplace. The marketplace, when it comes to shippers who are looking to green their supply chain and what may or may not happen down the road when it comes to trade credits for emissions and what that impact may have—with some of the larger fleets, what I've been experiencing is that they are working their strategy on a 10-year basis. They know they're going to be here 10 years. They know they're going to be hauling freight for the next 10 years. So they're taking a longer view and they're willing to make some of those investments. Where you see, really, the acceleration of the technology is in those states that have assisted with either infrastructure or on-board fuelling systems and the cost of that.

**Mr. Robert Bailey:** I've got time for one more question—

**The Chair (Mr. Monte McNaughton):** Twenty seconds.

**Mr. Robert Bailey:** Twenty seconds. Give us an answer to Ms. McMahon's question about the difference in the cost in the motors.

**Mr. Chris Milani:** Yes. The incremental expense is going to differ depending on whether it's a nine litre or a 12 litre. It's also going to differ on the manufacturer and it's going to differ on the size of the order as well. All of those things do come into play. Now, if you're looking at, say, just a general data book position when you're buying a truck or acquiring a truck, yes, it's going to probably be about a \$15,000 to \$25,000 upcharge for the engine.

**The Chair (Mr. Monte McNaughton):** Sorry; we have to move to Mr. Gates from the third party.

**Mr. Wayne Gates:** Good afternoon. How are you?

**Mr. Chris Milani:** I'm doing well, thanks.

1340

**Mr. Wayne Gates:** You caught my attention when you talked about Chrysler and what they're doing. Obviously, we're trying to look at whatever we can to stay competitive in the auto sector. A lot of important jobs are in Windsor.

**Mr. Chris Milani:** Absolutely.

**Mr. Wayne Gates:** I'm just wondering about the move to LNG: What do you think the savings to a company could be when you're looking at being competitive, trying to make sure that you can bid for more work? They're moving into Windsor, so it's got to be a successful program.

**Mr. Chris Milani:** Yes, absolutely. You want to boil it down to what it costs per mile to operate your fleet. If your cost today is, say, 60 cents a mile for diesel and 32 cents a mile for natural gas—which it was in my fleet when I was operating a fleet in Michigan—it's very



significant. So the delta is really the key factor, and the number of miles that you can generate on that equipment. If you're running a slip-seat operation, running a truck around the clock, running it for two 10-, 12- or 11-hour shifts, what have you, then your payback is going to be much faster.

The payback on the Chrysler initiative was less than a year. It was 0.9 on their ROI for the Detroit terminal, and they're looking at maybe a little bit more than that on Windsor. So, yes, in terms of jobs and in terms of competitiveness, that's where the rubber really hits the road. If I'm going to be able to compete with a guy who is going to be operating with diesel for my freight that I have today—because Rubbermaid, Unilever, P&G or even Chrysler, with some of their third-party carriers, is asking us to consider moving over to CNG—I really need to understand the cost component. Fuel makes up about 20%, 22% or 23%, depending on the application, of the operating expense of a fleet, so if you can cut that by 40%, you're knocking six or seven points off your operating expenses and it's very significant. It gets you in a very competitive position.

**Mr. Wayne Gates:** They should be able to have a good idea, because the plants are pretty stationary, so they're driving basically the same roads all the time in a lot of cases. Right?

**Mr. Chris Milani:** Well, you hit it right on the head in regard to why the application was a good fit: because they are in a nesting application. They come home to the terminal. So if you build that infrastructure at their terminals—which we did in Hamtramck in Detroit and we're now doing in Windsor—then they have a base of operations. They're always coming back there; they're getting their fuel there. They may offer that to their third-party carriers as well and maybe share in the revenue stream.

**The Chair (Mr. Monte McNaughton):** Thank you very much. That's all the time today. Thank you very much for presenting.

#### DR. PHILIP WALSH

**The Chair (Mr. Monte McNaughton):** We'd now like to call upon Dr. Walsh from the Ted Rogers School of Management.

Dr. Walsh, if you would introduce yourself. You have five minutes for your presentation, and we'll be starting with the official opposition.

**Dr. Philip Walsh:** Thank you, Mr. Chairman, for allowing me this opportunity to address the distinguished members of this committee. My name is Dr. Philip Walsh. I'm chair of the department of entrepreneurship and strategy at the Ted Rogers School of Management. However, I'm also here in my capacity as a researcher at Ryerson's Centre for Urban Energy and our Institute for the Study of Corporate Social Responsibility, as well being as a cross-appointee to our graduate program in Environmental Applied Science and Management.

My experience with the natural gas industry is now approaching 35 years in both the upstream and down-

stream sectors. I like to think of myself as a late-life academic. I sort of had a midlife crisis and started my PhD in research related to deregulation of industries, in particular the Ontario natural gas industry, when I was at the ripe old age of 40.

Today, I continue to practise—

*Interruption.*

**The Chair (Mr. Monte McNaughton):** I'm sorry. Could we have silence in the background, please?

**Dr. Philip Walsh:** I continue to practise as a registered professional geoscientist here in Ontario. For the purpose of disclosure, I have from time to time provided consulting services related to the natural gas industry to utilities, governments and energy companies.

However, I'm here today to present my thoughts on this bill currently before the assembly in my capacity as an academic. I would like to present as objective a position as I can and to address frankly any questions that this committee might have. My presentation today will be brief so that we'll have plenty of time for questions.

In essence, in the research that we've been doing—this committee is well aware of it—the transportation sector is the single largest emitter of greenhouse gas in Ontario, and it's the one sector in Ontario that has actually been growing in terms of greenhouse gas emissions. Part of the problem deals with things such as medium-duty and heavy-duty trucks that are running on diesel. They are a significant emitter even with improved diesel technologies, principally because we're seeing such growth in these vehicles on the road.

Ontario's clean electricity portfolio allows us the opportunity to essentially look at electric vehicles as the way to go in terms of passenger vehicles. However, we have to recognize that in transportation where we have longer distances and heavier loads, it's impractical for us to consider electric motors and battery storage at this time.

Natural gas is a cleaner and more practical choice for fleet vehicles and heavier-duty trucks than diesel, and provides positive returns on conversion costs when we compare those costs per tonne of avoided CO<sub>2</sub>. Natural gas engines have, in the past, suffered from lower performance capabilities when compared to diesel, but technology advances in natural gas engines currently and in the future will close that gap.

Government has a role in promoting adoption of technologies when we're addressing the contribution to societal need—in this case, cleaner air—and we call that “technology push.” But ultimately, free market fundamentals will drive adoption once scale can be achieved—that's what we call “technology pull.” Government and regulatory support for complementary assets—for example, refilling stations—are also ways for us to promote adoption.

Bill 76 is a reasonable step forward—and I use the term “reasonable”—in helping incent the switch to a cleaner fuel for medium- to heavier-load vehicles.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to Mr. Bailey.



**Mr. Robert Bailey:** Thank you very much for your presentation today. I've asked this of other people, and I'll get you on the record. Ontario is currently consulting on a climate change action plan. Could you explain, and maybe keep it as concise as you can, how this would help reduce greenhouse gases? Do you think it would be a positive step—this bill plus some amendments to it?

**Dr. Philip Walsh:** Yes.

**Mr. Robert Bailey:** Okay, that's short. Based on your knowledge, what does the future look like in Ontario for the price of natural gas going forward and the availability in North America?

**Dr. Philip Walsh:** Well, if I really knew, I think I'd be betting on the market. The reality is that we're looking at very low prices, oversupply—that kind of dynamic will ultimately lead to increased demand. How quickly that demand ramps up will dictate where prices are going to go. As a geoscientist, as a geologist, I can tell you that there are plenty of natural gas reserves around, in particular with the technology used in fracking and the discoveries in the production of shale gas.

**Mr. Robert Bailey:** I think the other presenter touched on it, but maybe, being that you're with the school of management—and maybe anything he didn't cover. What competitive advantages would natural gas transportation provide for both Ontario and Canada?

**Dr. Philip Walsh:** Well, I think, quite frankly, we'll always be behind jurisdictions that choose not to pursue a cleaner economy. In terms of how it might benefit us as Ontario, I think it's principally driven by benefits associated with the environment and cleaner air. In terms of making us more economically competitive, I would argue that it probably will not, but that may not be really what the problem is here. For us, it's about maintaining a cleaner environment.

**Mr. Robert Bailey:** Okay.

**The Chair (Mr. Monte McNaughton):** Another minute?

**Mr. Robert Bailey:** Well, you covered everything that I had here. The technologies available today with the motors—I noticed you touched on that in there, that they can actually meet and surpass what the diesels are doing.

**Dr. Philip Walsh:** Yes, interestingly enough, the developers, the innovators are folding back because they're not finding the market really that interested in those technologies. It's policies like this that are going to provide incentives that allow them to get that technology out there.

**Mr. Robert Bailey:** Okay, thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Gates?

**Mr. Wayne Gates:** You made an opening comment that I think a lot of people have to hear: "The medium- and heavy-duty vehicles make up 3% of the vehicles on the road today, but contribute"—

**Dr. Philip Walsh:** I'm not sure I made that comment.

**Mr. Wayne Gates:** I got it here. No, it's not in your statement—but they make up 20% of the greenhouse gas emissions on the road. So I think that's why the bill becomes a real issue, to try and clean that up.

The second part of that: Do you have any concerns that it's a private member's bill?

**Dr. Philip Walsh:** No.

**Mr. Wayne Gates:** None?

**Dr. Philip Walsh:** None.

**Mr. Wayne Gates:** Okay. I'm a little surprised at that.

Given the possibility—and this is one that you did talk about—that the global movement against the practice of fracking could have serious impacts on the price of natural gas, has your organization or your studies considered alternate fuel sources other than natural gas to assist in a move away from traditional fuel sources?

**Dr. Philip Walsh:** Yes. Our research has looked heavily at things such as biodiesel fuels, and we're big on electric at our Centre for Urban Energy. But I can tell you that when we start talking about specifics in the short and medium term related to medium- and heavy-duty trucking, the conversion costs are most positive when it comes to that particular segment, with paybacks and significant reductions in carbon emissions.

1350

**Mr. Wayne Gates:** You might have touched on this a little bit, but is there a particular reason, that your studying shows, that you believe natural gas to be a better alternative than other options we're exploring?

**Dr. Philip Walsh:** Again, it's based on a couple of factors: One is economic and one is environmental. In both cases, the balance between the two is optimal given the conversion to natural gas. Obviously, the size of the vehicle has a lot to do with it, as I said earlier. When we're talking about light loads and urban transportation, nothing beats electric.

**Mr. Wayne Gates:** Just to follow up, do you have any concerns, on the cost of electricity—what's going on in the province of Ontario to make it competitive?

**Dr. Philip Walsh:** Yes, I do, and again it comes back to the answer to the other member's question, in that we're looking at a balance between economic and environmental benefits. If anybody could tell us what the true cost of carbon happens to be, I'd like to know that. But given the numbers we do have, the suggestion is that while we are looking at a higher-priced environment for electricity, given the approach the government has been taking, I think there are some smarter ways to have done things in terms of how we implement it. Quite frankly, again, it's a balance between the environment and the economy.

**Mr. Wayne Gates:** I don't know what your way of thinking is on a smarter way. I actually agree that there's a better way to take care of hydro, but that's only me—

**Dr. Philip Walsh:** Yes. That's a discussion for another time.

**Mr. Wayne Gates:** Another day.

**The Chair (Mr. Monte McNaughton):** We'll move to the government. Mr. Balkissoon.

**Mr. Bas Balkissoon:** You say technology is advanced and it's available, but—maybe I'm not aware of the industry—is there any real drive by the manufacturers of these big vehicles to adopt an all-natural-gas engine rather than go through conversions?



**Dr. Philip Walsh:** There are basically two ways that you see technology adopted: either because it has an economic benefit or you're sophisticated enough to recognize that a benefit may exist in the future. Companies like the trucking companies will have to balance both approaches, and, quite frankly, it would appear from the research that their approach is one of economics. Until that point in time when we can initiate something for the benefit of the climate to incent them to override their economic concerns, we won't see them adopting this technology—my point being that we really need incentives like this. It may not be the best. We maybe need more, but a lot of that can come about in terms of ancillary complementary assets that can be invested in by utilities, for example. Because they have a regulated rate base, they have an opportunity to convince the regulator that these investments are worthwhile. That will encourage more use of the technology. That will allow for scale. Scale will improve the economics, and trucking companies will become more open to the idea.

**Mr. Bas Balkissoon:** Can you give us a couple of jurisdictions that have actually adopted something similar in an incentive form, where the government is incentivizing the trucking industry to make these conversions in a huge way?

**Dr. Philip Walsh:** We've seen in history a coming and going of incentives related to this particular technology. As was indicated by the previous gentleman, you do see it as a dominant policy in some of the major gas-producing states in the United States. For obvious reasons, it's to their benefit to see natural gas used—

**Mr. Bas Balkissoon:** Can you give us an idea of how much there is—

**Dr. Philip Walsh:** No, I cannot do that—not off the top of my head.

**The Chair (Mr. Monte McNaughton):** Twenty seconds.

**Mr. Bas Balkissoon:** I'm fine.

**The Chair (Mr. Monte McNaughton):** Thank you for your presentation today.

#### FORTISBC ENERGY INC.

**The Chair (Mr. Monte McNaughton):** Committee members, our next presenter is Sarah Smith from FortisBC Energy Inc. She's joining us via teleconference.

Sarah, welcome. Please introduce yourself. You have five minutes for your presentation, and then there will be three minutes of questioning from each party, beginning with the third party.

**Ms. Sarah Smith:** Can everybody hear me?

**The Chair (Mr. Monte McNaughton):** Yes.

**Ms. Sarah Smith:** I had a slide deck. Has that been distributed?

**The Chair (Mr. Monte McNaughton):** It has been.

**Ms. Sarah Smith:** Very good.

One of the questions that was asked of the previous speaker was about other jurisdictions' experience with

natural gas transportation, so that is what I'm going to speak to today.

I am Sarah Smith. I am the director for natural gas transportation for FortisBC. I've been involved in natural gas transportation since 2000. My last posting here at FortisBC, before re-taking on the natural gas transportation portfolio, was in conservation and energy management, so I've been involved in environmental initiatives for a large part of my career.

Just a quick introduction to FortisBC: We are a regulated gas and electric utility. We have over one million energy customers. We serve 135 communities across BC. Interestingly, we deliver more energy than any other utility in this province.

Moving to slide 3: Why natural gas for transportation? The economics make sense. For our customers, they see an investment payback of two to seven years, based on the incremental cost of a natural gas vehicle, depending primarily on the price that they're paying for the incumbent fuel, which, in this case, is diesel.

Another reason: We provide them with financial incentives that are recovered from all ratepayers.

Reason number 3: There is reliable and proven engine technology available for original equipment manufacturers today.

Reason number 4: An opportunity to reduce not only a carbon footprint, but—something that's not on my slide—other air contaminants such as small particulate matter.

The primary reason is that natural gas is a domestic fuel here in British Columbia. We have five preserves of shale gas available and a strong provincial focus on using that resource.

Moving to slide 4: Our context is that we have legislated the GHG emissions reduction target. We have a strong focus on natural gas; we have a strong focus on energy efficiency and conservation; and we also have a strong focus on alternative energy development. All of that is enshrined in the BC Clean Energy Act of 2010.

Moving to slide 5: Flowing from the Clean Energy Act, the greenhouse gas reduction regulation was enacted in 2012. It provided for the expansion of the use of compressed natural gas, CNG, and liquefied natural gas in the transportation sector to displace higher-carbon fuels. There were a number of elements to the greenhouse gas reduction regulation, but it allows for approximately \$53 million in incentives for natural gas vehicles, \$3.2 million for marketing, training and education, \$6 million for customer facility upgrades and \$42 million for fueling infrastructure to support customer adoption of natural gas vehicles.

In 2013, our government issued a special direction which authorized FortisBC to invest up to \$400 million in the expansion of an existing LNG production facility that we've had in the rate base since 1971.

Moving to slide 6: Our role as a regulated utility is to support our customers from stem to stern. Really, we help them address the incremental costs of natural gas vehicles; we support them with the provision of natural



gas fuelling; and we offer an incentive program to offset the cost of any maintenance facility upgrades that they need to undertake.

Slide 7 really builds on that previous comment. Again, it's an end-to-end business model where we, as a distribution utility, are taking supply into our system, compressing it in the case of compressed natural gas, and supporting customers with stations and dispensing natural gas as a transportation fuel. The same holds true for LNG, which is a fuel offering that's more suited to heavy-duty vehicles than for medium-duty vehicles.

Slide 8—

**The Chair (Mr. Monte McNaughton):** Ms. Smith?

**Ms. Sarah Smith:** Yes?

1400

**The Chair (Mr. Monte McNaughton):** We're going to move to questioning now. Before we do, if you're on speaker phone, would you mind picking up the handset, if that's possible? It might be easier for the questions and answers.

**Ms. Sarah Smith:** Yes.

**The Chair (Mr. Monte McNaughton):** We're going to start with Mr. Gates from the third party.

**Mr. Wayne Gates:** Hi. How are you?

**Ms. Sarah Smith:** Very well, thank you.

**Mr. Wayne Gates:** That's good. I'm sure you've read the bill that's before us today. Do you believe that the financial incentives detailed in this bill are appropriate measures to encourage the adoption of LNG vehicles?

**Ms. Sarah Smith:** I do.

**Mr. Wayne Gates:** Compared to BC, what's the comparison as far as the dollars go?

**Ms. Sarah Smith:** Our total incentive budget was 52-odd million dollars. Our customers have been extremely receptive to that offering, to the point that we only have a few million dollars of our total allowed incentive amount remaining.

**Mr. Wayne Gates:** Okay. In order to have the financial incentives outlined in this bill function, the federal government must be willing to make amendments to the Excise Tax Act. Do you believe that the federal government would be willing to do that?

**Ms. Sarah Smith:** I can't speak to that, what the federal government would or would not be willing to do.

**Mr. Wayne Gates:** I guess that's fair. That's all I have.

**The Chair (Mr. Monte McNaughton):** Excellent. We'll move to Ms. Wong, from the government.

**Ms. Soo Wong:** Thank you very much for your presentation. I have two quick questions for you. What are the existing legislation weight restrictions for vehicles in British Columbia?

**Ms. Sarah Smith:** I'm sorry; I don't have that off the top of my head.

**Ms. Soo Wong:** Can you get back to the committee with that?

The second question is: Has the BC government tried to mitigate the damage that heavier natural gas vehicles can have on existing infrastructure?

**Ms. Sarah Smith:** I'm not aware that that is a particular concern here in British Columbia.

**Ms. Soo Wong:** I didn't catch that.

**Ms. Sarah Smith:** Sorry. I'm not aware that that is a particular concern of the government here in British Columbia.

**Ms. Soo Wong:** Why is that?

**Ms. Sarah Smith:** It just has not come up.

**Ms. Soo Wong:** Okay. Do I still have time, Mr. Chair?

**The Chair (Mr. Monte McNaughton):** Absolutely.

**Ms. Soo Wong:** So are you saying to me the government of British Columbia is not concerned with heavy vehicles driving on the highway? It'll have no impact on the infrastructure?

**Ms. Sarah Smith:** Sorry. What I said was that I'm not aware that the government is concerned or not about the weight of vehicles and infrastructure effects from that. I can't speak for the government.

**Ms. Soo Wong:** Okay. My last question to you is: Beyond the growth of the natural gas sector, what have been the impacts on expanding natural-gas-powered vehicles in other jurisdictions that you're aware of?

**Ms. Sarah Smith:** Quebec has a fairly strong natural gas transportation program that I'm aware of. Certainly, there are numerous jurisdictions in the United States that are really focused on the adoption of alternative fuels and natural gas.

**The Chair (Mr. Monte McNaughton):** Any other questions from the government? Mr. Balkissoon.

**Mr. Bas Balkissoon:** I just have a quick question. I'm reading your slides and it says, "Financial incentives from FortisBC," which is a private company. Were there any incentives from the government itself?

**Ms. Sarah Smith:** Incentives that the government has enabled through the Greenhouse Gas Reduction Regulation, which are offered by FortisBC, as a publicly regulated utility, and recovered from all ratepayers.

**Mr. Bas Balkissoon:** So really all your government did was enable the legislation to allow you to do what you're doing.

**Ms. Sarah Smith:** They enacted the legislation that enables us to do what we're doing.

**Mr. Bas Balkissoon:** Okay. I think you started out by saying BC has its own natural gas source.

**Ms. Sarah Smith:** Yes. We have extensive domestic natural gas resources.

**Mr. Bas Balkissoon:** Okay. Thank you very much.

**The Chair (Mr. Monte McNaughton):** Excellent. Thank you. We'll move to Mr. Bailey, from the opposition.

**Mr. Robert Bailey:** Thank you for presenting, Ms. Smith. I want to ask you a question. We currently are going through a climate change action plan here in Ontario. I wanted to know: Is it your opinion that by adopting this bill, and maybe some measures along with it, it would dramatically decrease greenhouse gases in Ontario?



**Ms. Sarah Smith:** Our activity has had a significant impact on greenhouse gas emissions from the transportation sector, which are difficult emissions to address, because if you want to have a thriving economy, you can't move goods less. So this program has enabled the displacement of almost 26 million diesel litres with natural gas in 2015 alone, and when you consider that there's a 20% to 30% reduction in emissions by using natural gas over diesel, that's a significant number.

**Mr. Robert Bailey:** Okay. Another question I have, Ms. Smith: Could you give us a quick synopsis of how British Columbia is building out its infrastructure and driving the adoption of natural gas vehicles, other than what's in your presentation? Is there anything else that they're doing currently?

**Ms. Sarah Smith:** I'm really quite focused on what we're doing. I know that we have a phase B tranche of incentives that we're going to be moving forward for consideration by the government in the near future. That hasn't been advanced as yet. We're advancing that in the next couple of weeks. That will be in roughly the same ballpark as our previous greenhouse gas reduction regulation program.

**The Chair (Mr. Monte McNaughton):** We'll move to Mr. MacLaren.

**Mr. Jack MacLaren:** Ms. Smith, you have mentioned that natural gas is cleaner than diesel or other transportation fuels. Is there anything that can be done to make it even cleaner in the future?

**Ms. Sarah Smith:** Well, we have a renewable natural gas program which is covered off on slide 11 of my presentation. Really, what we're doing when we produce renewable natural gas is, we produce methane from waste, and renewable natural gas is considered to be entirely carbon neutral at 100% RNG concentrations. So the short answer to that is yes, the adoption of RNG in transportation would lead to even further GHG emission reductions than those we're seeing using conventional natural gas.

**The Chair (Mr. Monte McNaughton):** Excellent. Thank you very much, Ms. Smith, for your presentation today.

## CANADA STEAMSHIP LINES

**The Chair (Mr. Monte McNaughton):** We'll move now to Canada Steamship Lines. I believe they're here. If you would identify yourself for the committee. You have five minutes for a presentation and three minutes from each party for questioning, beginning with the government.

**Mr. Yousef El Bagoury:** My name is Yousef El Bagoury. I'm a superintendent at Canada Steamship Lines. CSL is a leading provider of dry bulk cargo. We're the world's largest owner and operator of self-unloading vehicles throughout the Great Lakes. We carry grain, iron ore, coal, salt, gypsum and other bulk cargos. Short sea shipping contributes immensely to the provin-

cial and federal governments. I've highlighted some of these contributions on the handout there.

Over the years, CSL has made a serious commitment to the environment. We have reduced our CO<sub>2</sub> by 20% from our 2008 levels, and with respect to natural gas we are the only bulk carrier company participating in the east coast and Great Lakes marine natural gas supply chain, which was commissioned by Transport Canada.

Regarding shipping, Canada has adopted this eco-zone—this is the low sulphur. For shipping, this means either a conversion to ultra-low sulphur heavy fuel, which is available in limited quantities; natural gas; scrubbers; or we have to evaluate running on burning diesel oil at a premium.

We've evaluated LNG for our newest ships, our Trillium Class. The main engines are retrofit capable. The main problem is the cost. To convert the main engine alone is about \$1 million; for an LNG tank it's \$4 million; for piping it's \$1,000 per foot. So we estimated a total cost close to \$10 million, which is approximately 25% of the capital expenditures to build the ship in the first place. Right now, that would make it prohibitive for Great Lakes shipping.

However, looking outside of Canada, the Norwegian government implemented a fund regarding NO<sub>x</sub> emission reduction. The reimbursement was 80% of the additional cap ex required for retrofit or new build construction. Our European office designed and successfully applied to the NO<sub>x</sub> fund for an LNG-powered vessel for the stone trade in Norway. We also believe that FortisBC replicated a similar model by giving Seaspan a similar percentage reimbursement for their ferries, which highlights the value of subsidies with regard to shipping and its implementation of LNG.

### 1410

To adopt LNG distribution will be critical. Short sea shipping revolves around a short import time. Typically, our ships are only in port for about eight hours. With the low density of natural gas, we would need more trucks to refuel our ships, and therefore CSL's interest and support in increasing the axle limits for LNG tanker trucks.

Beyond natural gas, we also look at methanol as a potential problem to the emissions-versus-cost debate. Methanol is made with natural gas, so our interest remains objective; it remains current. It's made with natural gas and CO<sub>2</sub>, which is largely a waste product of industry. For the shipowner, we don't need cryogenics, the piping, the conversion—all the operating expenditures and capital expenditure reducers—but we still get the benefits of the sulphur-free fuel, no particulate matter and the emissions reductions that we're seeking to achieve through Bill 76.

Methanol also has the same low-energy density as natural gas, and so our support and our argument for increasing the axle limit for tanker trucks remains true. If you investigate shipping and LNG, there's a lot of chicken-or-the-egg arguments that come up, and I would encourage you strongly to forget that. It's chicken and egg, and it's everybody else. It has to be a partnership.



With shipping, we're talking millions of dollars. It's too much to just be adopted and absorbed by a single entity.

Without some sort of assistance, particularly in this downward market, the implementation of ECA zone limitations regarding fuel and sulphur is very difficult to achieve. We would also look, as I mentioned earlier regarding the Norwegian government, that we expand this to the federal level. If any federal assistance could also be considered, that would greatly assist the ship owner. Our neighbours to the south have also implemented similar contributions regarding their ships. MARAD provided a half-a-million-dollar grant to Interlake regarding a scrubber program, while the EPA has provided SO<sub>x</sub> relief via the Great Lakes Steamship Repower Incentive Program, where American Great Lakers don't have to meet the ECA zone requirements until 2025.

**The Chair (Mr. Monte McNaughton):** Excellent. Thank you very much. Just to let everyone in the room know, there is a presentation going on upstairs. That was the noise. I noticed you kept looking up.

We'll move to the government and Ms. Wong for three minutes.

**Ms. Soo Wong:** I want to ask you some questions on your written submission to the committee. When you say, under the heading on page 2, "Why subsidies are needed," you identify that Bill 76 should be expanded to include emissions, blah, blah, blah. Can you elaborate a little bit more about these additional emissions?

**Mr. Yousef El Bagoury:** My understanding, if I look at Bill 76, is that the main goal is to improve air quality, to reduce sulphur, SO<sub>x</sub> gases. This can be done via other means and not just natural gas. Methanol is sulphur-free as a fuel, and therefore we get the same SO<sub>x</sub> reductions, we get similar NO<sub>x</sub> reductions and we get similar particulate matter reductions. For the end user, we could adopt methanol, meet the main objective of Bill 76, but at a far reduced cost to the ship owner.

**Ms. Soo Wong:** Okay. Because we don't have time—I want to be mindful of the time—I need you to shorten your answers.

**Mr. Yousef El Bagoury:** Okay.

**Ms. Soo Wong:** You said that US EPA provided some concessions when you guys travel through the Great Lakes. What are some of the concessions that they've given you guys?

**Mr. Yousef El Bagoury:** Not to Canada; just to their own ships.

**Ms. Soo Wong:** So there's an equity issue, I'm hearing.

**Mr. Yousef El Bagoury:** It was agreed that, whereas in Canada, the ECA zone requirements have to be met by 2020, for the older steamships in the US, they don't have to meet the requirement until 2025.

**Ms. Soo Wong:** Okay. I'm going to let my colleague—

**The Chair (Mr. Monte McNaughton):** Mr. Anderson.

**Mr. Granville Anderson:** Thanks for your presentation and thanks for being here. Are there any jurisdictions

that you're aware of where methanol is being used to power steamships at the moment?

**Mr. Yousef El Bagoury:** In Europe.

**Mr. Granville Anderson:** In Europe?

**Mr. Yousef El Bagoury:** It has been successful in Europe, yes.

**Mr. Granville Anderson:** And you're saying it's more cost-sensitive?

**Mr. Yousef El Bagoury:** It's more that the capital investment and operating costs are less than for natural gas because we avoid cryogenics.

**Mr. Granville Anderson:** Okay. Thank you.

**The Chair (Mr. Monte McNaughton):** Any other questions from the government? We have a minute left. No?

We'll move to Mr. Bailey from the opposition.

**Mr. Robert Bailey:** Thank you for presenting today. I live on the Great Lakes at Sarnia, so I'm quite interested in this. It's interesting to see the jobs and how important this is to all of the provinces that go around the Great Lakes.

When Canada Steamship Lines looked at natural gas, was it mainly for economics or was it for environmental? Was it a combination of reasons? Maybe you can give us an answer there.

**Mr. Yousef El Bagoury:** Truthfully, in the beginning, the economics were the key driver. When we started looking at oil, it was a lot more expensive. As oil drops in value, the economics start to disappear, but we still have an environmental commitment.

**Mr. Robert Bailey:** Refueling stops: Could one or two refuelling facilities service all of the Great Lakes, to the St. Lawrence and to the north?

**Mr. Yousef El Bagoury:** I believe that maybe two liquefaction plants could, but distribution beyond that would have to be by truck. The liquefaction plants are too expensive to expect a liquefaction plant at every port.

**Mr. Robert Bailey:** I know we looked at one in Sarnia with Shell.

**Mr. Yousef El Bagoury:** Yes, with Shell.

**Mr. Robert Bailey:** That's fine. I'm being parochial there, a little bit.

Other than oil and diesel, are there any other fuels that ships can run on? Probably not economically but—

**Mr. Yousef El Bagoury:** Companies are bringing out fuels that are called ultra-low sulphur heavy fuels. They're basically a heavy fuel with 0.10% sulphur. The main problem there is that it's a limited quantity and it can't be blended.

**Mr. Robert Bailey:** Do you want to ask something? Do we have time?

**The Chair (Mr. Monte McNaughton):** Yes.

**Mr. Jack MacLaren:** I understand that you're a Canadian company, but when you visit foreign countries, are they looking at natural gas as a fuel for ships? Does Ontario or Canada have an advantage when it comes to natural gas shipping?

**Mr. Yousef El Bagoury:** I wouldn't say that, right now, they have an advantage. We have natural gas in

Canada. That certainly puts us at an advantage in the sense that we're not importing it, but we're not as developed as close to what we see in Europe.

**Mr. Jack MacLaren:** Okay. Thank you.

**The Chair (Mr. Monte McNaughton):** We'll move to Mr. Gates.

**Mr. Wayne Gates:** Thank you very much. How are you?

**Mr. Yousef El Bagoury:** I'm good. How are you?

**Mr. Wayne Gates:** Good.

I think the one thing that I want get on the record that I think a lot of people don't realize with the marine industry in the Great Lakes is the number of jobs—some \$1 billion of revenue, the taxes that they're paid. Something that I like is that a lot of the workers there are unionized, and they're being paid a fair wage with some good benefits. I thought I'd let you know, to take that back to your company.

**Mr. Yousef El Bagoury:** I appreciate that.

**Mr. Wayne Gates:** It's always nice when you're paying people fairly.

The one bulletin here that says that "there should be rewards and/or incentivized program for companies moving to cleaner fuels, not just natural gas."

You did touch on that a bit. Can you touch on it again? Then I'll ask you a follow-up question.

**Mr. Yousef El Bagoury:** Okay. When we look at CSL and our fleet, like I mentioned before, we reduced our CO<sub>2</sub> by 20% since 2008. The benefits there are not just that it's a fuel reduction, but it's an environmental responsibility. We're always looking for what else we can do and what's next.

In terms of rewards and incentives: We've done that off our own back. But to make the leap to natural gas, it has got to be more incentivized, as opposed to being forced upon us.

**Mr. Wayne Gates:** Okay. I guess my question to you is, would you not make it up by changing them over, or is it just too big of a hole?

**Mr. Yousef El Bagoury:** The initial investment is just too big and, with the oil prices right now, we don't believe LNG to be competitive.

**Mr. Wayne Gates:** Okay. I'm trying to do this quick because three minutes go relatively fast.

**The Chair (Mr. Monte McNaughton):** You have a minute.

**Mr. Wayne Gates:** In order for the financial incentives outlined in this bill to function, the federal government must be willing to make amendments to Excise Tax Act.

Do you have reason to believe the federal government would be willing to do this?

**Mr. Yousef El Bagoury:** Right now—

**Interjection:** Yes.

**Mr. Yousef El Bagoury:** I'm hoping "yes," but I'm not involved at a high level of policy within CSL.

**Mr. Wayne Gates:** Neither am I; that's why I asked you.

**Mr. Yousef El Bagoury:** Right now, we have their interest via the Transport Canada study, and we hope that the results from that will help encourage the federal government to help shipowners.

**Mr. Wayne Gates:** I hope they do, too, but my last question—I'm going to get this in quickly. I'm a firm believer that we should be looking at the Great Lakes because of the economic benefits that we have to extending our shipping season.

There is climate change out there—people can agree to disagree to that—but also the water is not freezing as early, and I think there are some more opportunities to extend the shipping season as well. Do you have any thoughts on that?

**Mr. Yousef El Bagoury:** Yes. In particular, one of the ships I'm responsible for: We bring salt from the Magdalen Islands to Montreal. In the wintertime, that's incredibly valuable. This is the salt that goes on the roads and keeps critical services open—

**The Chair (Mr. Monte McNaughton):** Thank you. I'm sorry to cut you off.

**Mr. Yousef El Bagoury:** No problem.

**The Chair (Mr. Monte McNaughton):** Thank you very much for your presentation today.

#### EMTERRA GROUP

**The Chair (Mr. Monte McNaughton):** We'll now call upon Emterra Group: Paulina Leung. If Paulina could introduce herself for the committee, you'll have five minutes for your presentation and questions will begin with the official opposition.

1420

**Ms. Paulina Leung:** Hi. Good afternoon. Thank you for having me here. My name is Paulina Leung, VP of corporate strategy and business development for Emterra Environmental. I will be speaking very fast.

I'm here to speak to you today from the perspective of a private fleet owner and operator, specifically in the waste management sector. Very quickly, our company's vision is to be the most highly regarded waste-to-resource company in Canada, serving municipalities and the industrial, commercial and institutional sectors. So what do we do? Across Canada and the state of Michigan, we provide recycling and waste diversion services to municipalities, servicing over 10% of the Canadian population—high numbers, to show that we do have credibility.

In business for 40 years, we process and market over half a million tonnes of recyclables a year. We have over 1,000 employees, 40% of whom are ethnic minorities, and 35% of our senior management team are women. We have over 550 trucks; 35% now use compressed natural gas.

We support this bill because it's the kind of catalyst that our province has been sorely needing. With more than 40,000 medium- and heavy-duty natural gas trucks in North America, this technology is proven, it's reliable and we can speak to that from actual experience.



The cost of transportation affects taxpayers in terms of nearly everything that we buy in goods and services. Natural gas is cheaper, cleaner and is the right way for us to grow our business and our economy in Ontario.

US transportation has long recognized this. We all know about their natural gas highway. We know about all of the stations that are being built every single day and the thousands of fleets that are continuously being launched. They are building connections on this highway to important regions and transportation corridors. We cannot afford to be excluded from that, and we need to develop our own trucks and our own stations.

Recognizing our larger role in this national context, Emterra has built a network of four compressed natural gas fuelling stations that are open to the public. These are located in Victoria and Chilliwack, BC, in Winnipeg, and, of course, our newest one in Mississauga, which is actually right by Toronto Pearson on the 401. In Ontario, we now have over 100 CNG trucks and we have the largest public CNG fuelling station with our partners, CAT, Canadian American Transport, based in Quebec, and also Gain Clean Fuel; Marc-André is here.

So why did we make this investment years ago? We made the first investment four years ago because our company's DNA is built on entrepreneurialism, industry leadership and taking risks. Our CEO had this vision. Even though we are in the waste management sector, we wanted to do more than that because we know business needs to move forward in non-uniform and non-traditional ways.

When other companies were investing in landfills, our company was investing in recycling facilities or in organics facilities. When other companies were talking about how difficult it's going to be to reach the new air emissions standards, we were investing in compressed natural gas trucks. We chose to do so in the most difficult parts of Canada. No offence to anybody from Manitoba, but Winnipeg is darned difficult to launch a compressed natural gas fleet in, especially in that Arctic climate. We did that. We fell. We fell a lot, and we learned and we have our partners—some of them in this room today, including Cummins Westport—who helped us get through that.

Over the last three years, we have worked closely with equipment manufacturers, body manufacturers, Cummins Westport and the largest truck dealerships in Canada. The Cummins Westport ISL G engine, which is the bread and butter of the natural gas transportation industry in terms of equipment, is completely viable, ready for cold-weather climates and ready for mass deployment. We have proven that.

We took these investments and we made these risks as a private, for-profit company because we believe that in order for us to be more competitive, to differentiate our services and create more value for our customers, we have to do so and we have to do so with a smaller environmental impact yet still make money.

Last year we invested \$50 million in our fleet of 100 natural gas vehicles very close to here, in Mississauga; a

fuelling station with our partners Gain and CAT; and also in a compressed-natural-gas-compliant maintenance shop; and, soon to come, a truck-washing bay.

Why did we do it? Quickly—triple bottom line—from an environmental perspective, I don't need to talk about that. There are lots of experts here. From an economic perspective, fuel cost is a major consideration, obviously. We have experience in terms of fuel costs in three provinces and, based on our experience and looking at our trends, the last three years have been very stable. But stable is not enough, of course. I'll be talking more about that later.

Technology: As I mentioned, the ISL G natural gas engine from Cummins Westport is very reliable. We've proven that—

**The Chair (Mr. Monte McNaughton):** Sorry; we have to move to questions now, beginning with the official opposition.

**Mr. Robert Bailey:** Thank you very much for your presentation. Maybe you can finish it through some of the answers that you give.

Based on your experience in Peel and other regions of Ontario, how do municipally elected officials react to the idea of natural gas or LNG? Is there any fear of the unknown, or are they accepting? And two, in the transition from diesel to natural gas vehicles, what has been your greatest growing pain?

**Ms. Paulina Leung:** In terms of municipal acceptance and understanding, it's really region-specific and person-specific. I would say in British Columbia, because of what Fortis has done, there's more global recognition and understanding. In places like Manitoba it's about hydro; there's cheap hydro there. They've got more of a focus there.

Here it's different. In Peel, their commissioner, their CEO, their chair, was very forward-thinking. Other places, it comes down to cost. They will only reward a contract to a contractor if it's the lowest price. Municipalities are under that tax crunch. If we cannot offer natural gas trucks at the same or lower price as using diesel, nobody is going to choose us.

**The Chair (Mr. Monte McNaughton):** Mr. MacLaren?

**Mr. Jack MacLaren:** Can you speak at all to the reliability of natural gas engines compared to diesel engines?

**Ms. Paulina Leung:** We have used natural gas trucks for the last three years. The first couple of years in Winnipeg were hard. I'm not going to lie about it; we had 50% downtime. But we've gotten over that. When we take a look at our newest fleet in Peel—100 trucks—we have less than 5% downtime a day. In our industry, you want to have 10%—that's what you're achieving—and we're well below that.

**The Chair (Mr. Monte McNaughton):** Any other questions from the opposition?

**Mr. Robert Bailey:** Not from me. Lisa?

**Ms. Lisa M. Thompson:** Not from me.

**The Chair (Mr. Monte McNaughton):** Okay. We'll move to Mr. Gates.



**Mr. Wayne Gates:** Hi, how are you?

**Ms. Paulina Leung:** Good.

**Mr. Wayne Gates:** I'm not going to talk as quick as you. Is that okay? I'm going to take my time on this. I know it goes quick.

Your company seems to be committed to diverting as much waste as possible from landfills. Do you want to elaborate on that a bit? I think that's good.

**Ms. Paulina Leung:** Well, first of all, we take a different perspective. We see waste materials as a commodity. These are recoverable, secondary commodities and there is a lot of useful life to them. Our industry now talks about the circular economy. The circular economy is: How do we continuously renew commodities, reuse them, recycle them, use them for the manufacture of new products and then for consumers to buy? Ideally, you want to do that in the same place so that you're creating a closed-loop economy as close as possible to home.

**Mr. Wayne Gates:** The other thing that I liked is that you talked about the number of employees you have. You have 1,000 employees?

**Ms. Paulina Leung:** Yes.

**Mr. Wayne Gates:** And 550 trucks?

**Ms. Paulina Leung:** Yes.

**Mr. Wayne Gates:** Out of that 550, how many are already LNG?

**Ms. Paulina Leung:** They're all CNG. Actually, that's one thing I would like to point out. This bill speaks very specifically to LNG. CNG is going to be the quickest way for the transportation sector in Ontario to move forward. Our investments in terms of fuelling infrastructure and in terms of the cost of the equipment is much lower than with LNG. If you want the biggest bang for your buck in the near term and to move in the right direction from an environmental and economic perspective, please do not forget about compressed natural gas trucks. Include that in your discussion; include that in your weight limit expansions.

**Mr. Wayne Gates:** Very good. The other question that I have: In order for the financial incentives outlined in this bill to function, the federal government must be willing to make amendments to the Excise Tax Act. Do you have reason to believe that the federal government would be willing to do this or be interested in doing this?

**Ms. Paulina Leung:** Based on my limited knowledge of the federal government, and from my perspective, I do believe that they will make the changes.

**Mr. Wayne Gates:** Okay. Thank you very much.

**Ms. Paulina Leung:** Thank you.

**The Chair (Mr. Monte McNaughton):** We'll move to the government: Mr. Ballard.

**Mr. Chris Ballard:** Thank you for your presentation and all that we've heard today. It's really quite interesting and quite exciting.

I just was wondering, the vehicles that are compressed natural gas—that's what you're running on: Was there a provincial government incentive to move in that direction? Was there a program in Manitoba, for example, to

help you move in that direction, or was this a corporate decision to do this and you paid for it yourself?

**Ms. Paulina Leung:** Thank you. That is a great question, because I didn't get to get to it.

The answer is different depending on the province. In Manitoba, we did that because we felt that without any help from the lower cost of fuel, from the cost of the equipment, from our partners, we could achieve a reasonable payback. So the answer is no. However, within six months of us implementing it, the Ministry of Finance there implemented a road tax.

It is now 10 cents per cubic metre. A cubic metre is very similar to a diesel litre equivalent. Right now, we are taxed on every single cubic metre of natural gas we consume, at a level so high that we are still the only natural gas fleet in the entire province. We have a fuelling infrastructure for other fleets, but nobody is buying because they've stopped it with that road tax.

1430

In British Columbia, we are beneficiaries of the FortisBC natural gas program. Because of that program, you might say, "Paulina, you guys would have invested there anyway for natural gas." The answer is "yes," but we would have done so on smaller scales in smaller markets, not Vancouver. We made these investments in communities like Chilliwack and Victoria, so we're expanding this technology and bringing the environmental and economic benefits in small communities, where we wouldn't necessarily do so if there were no financial incentives.

It's easy to make the case for an investment for a large station and for a big fleet. When you're talking about smaller fleets, it's a lot harder, and, with the incentive, we could do so in BC.

**Mr. Chris Ballard:** Good. Thank you.

**The Chair (Mr. Monte McNaughton):** Ms. Wong?

**Ms. Soo Wong:** There's time, Mr. Chair? Okay.

I asked one of the previous witnesses—I want to hear about the Manitoba government. In terms of the weight issue associated with the use of natural gas: What kind of weight limit issues are there in the province of Manitoba?

**Ms. Paulina Leung:** We have not come across that because our trucks carry a very specific amount of material—recyclables, garbage. Weight has not been an issue for our industry and our business.

But for the bill being considered, it only speaks to LNG vehicles. Again, I ask that you include CNG vehicles for any weight restriction lifting.

**Ms. Soo Wong:** Okay. In terms of other companies in Manitoba, are there any other companies that you know of who are going to be converting to natural gas?

**Ms. Paulina Leung:** No.

**Ms. Soo Wong:** No?

**Ms. Paulina Leung:** I'm trying to do the same presentation to say that we have fuelling infrastructure in the heart of the province in Winnipeg. But fleets are not willing to do that because there is a 10-cents-per-cubic-metre road tax, and there is no end to that.



**Ms. Soo Wong:** So with regard to the current conversation federally and provincially about clean energy and climate change, the sector is not moving forward about this issue?

**Ms. Paulina Leung:** In Manitoba, I would say no, and it's unfortunate because, compared to the rest of Canada, the transportation sector is, I think, 40% of the GDP. Because of that, the contribution of the transportation sector for greenhouse gases is 40% versus 30% for the rest of Canada. It's really a shame. It's a lost opportunity.

**Ms. Soo Wong:** Thank you.

**The Chair (Mr. Monte McNaughton):** Thank you very much for your presentation today. We really appreciate it.

#### CUMMINS WESTPORT INC.

**The Chair (Mr. Monte McNaughton):** We'll call now our last presenter of the day, Cummins Westport Inc. and Charlie Ker.

Mr. Ker, if you would introduce yourself. You have five minutes for your presentation and then three minutes from each party.

**Mr. Charlie Ker:** My name is Charlie Ker. On behalf of my colleagues at Cummins Westport, thank you for this opportunity today.

Cummins Westport—or CWI—is a 50/50 joint venture founded in 2001 between Cummins, the world's largest builder of commercial diesel engines based in Columbus, Indiana, and Westport Innovations, a leader in gaseous fuel engine technology based in Vancouver, BC. Since its inception in 2001, CWI has sold roughly 40,000 medium- and heavy-duty engines in North America.

Our company designs, manufactures and markets natural gas engines for use in over-the-road trucks and buses. To service these market segments, we have developed and deployed three engines between six and 12 litres in displacement. These natural gas engines are built on the same assembly lines as their diesel counterparts. They share the majority of the same parts, the same diagnostic tools and the same warranty as diesel, as well as the same parts, service and training support offered through the Cummins distribution network. But unlike this diesel variant, our engines are purpose-built to run on 100% natural gas, stored as either compressed CNG, liquefied LNG or renewable natural gas, RNG.

A quick review of the engines from biggest to smallest: We have the 12-litre engine, launched in August 2013, to service the heavy-refuse and over-the-road truck market. To date, this engine has been well received in the US by truck fleet customers such as Ryder, Frito-Lay, UPS and Anheuser-Busch, to name a few.

Most recently, as we've heard, Fiat Chrysler—FCA—invested in 180 CNG-fuelled trucks stationed in Detroit. This purchase was followed up with a new fleet of 89 CNG trucks in Windsor that will deliver auto parts to Brampton. You will also hear about CAT and their use of 100 CNG trucks to haul goods from Montreal to Texas.

Keep your eyes out for the natural gas trucks from Robert Transport and Minimax hauling goods along the 401. These fleets all made the switch to natural gas because the fuel is cheaper—albeit less so today than two years ago—the engines are quieter and emit fewer emissions, more so today than ever.

In 2007, our company launched the ISL G, a 9-litre engine that has become the mainstay for private and municipal refuse and transit fleets across North America, most recently Hamilton Street Railway. Today 50% of all new refuse trucks and 30% of transit buses purchased each year in North America run on natural gas. This ISL G engine met the 2010 EPA emissions level for particulate matter and smog-forming oxides of nitrogen three years ahead of the emissions standard.

Next month, Cummins Westport will again lower the emissions bar with the launch of what we call the ISL G near-zero engine. The ISL G near-zero received a certification late last year from the US EPA and the California Air Resources Board which defined the certification level as equivalent to a 100% battery truck using electricity from a modern combined-cycle natural gas power plant. The engine technology—applicable across all CWI engines—employs a system that captures engine-related methane to reduce greenhouse gases.

Furthermore, the capture and combustion of renewable natural gas derived from organic waste at landfills, agricultural and food waste sources can actually result in a negative carbon footprint. Air Resources Board data show that 53% of natural gas vehicle fuel used in California by many of the customers mentioned earlier is renewable natural gas. Moreover, the board staff has recommended, given California's criteria pollutant, GHG, and petroleum reduction needs, that the ARB implement statewide strategies to employ near-zero combustion engines coupled with the use of renewable fuels in order to attain near-term air quality and climate goals.

But, quickly, back to the engines: Along with the launch of near-zero technology this year, CWI will soon launch a new medium-duty 6.7-litre engine, first into the school bus market and later into shuttle buses and medium-duty pickup and delivery trucks, as well as vocational applications such as street sweepers and port trucks.

The natural gas truck and bus market has come a long way in a few short years. Today, our engines are offered by virtually every bus and truck manufacturer direct from the factory. We have shown great success in transit and refuse markets, and an over-the-road truck market is emerging.

In closing, I'll echo what I'm sure you've heard and will hear from many within our industry: Natural gas provides the fastest and most economical pathway to both lower carbon intensity and cleaner air. Bill 76 sends an important signal to industry—station builders, vehicle and engine manufacturers, parts suppliers and fuel providers—that the government sees natural gas as a key stepping stone towards a low carbon economy.

Thank you very much.



**The Chair (Mr. Monte McNaughton):** Thank you very much. Right on time. We'll move to—

**Mr. Charlie Ker:** Sorry, I was trying to keep up to Paulina and I don't think I did.

**The Chair (Mr. Monte McNaughton):** I will move to Mr. Gates for three minutes.

**Mr. Wayne Gates:** It's tough to do.

**Mr. Charlie Ker:** It is.

**Mr. Wayne Gates:** Does your organization believe that the positive impact that a reduction in the use of diesel trucks would have on our environment would offset the negative impact increased fracking activities would cause?

**Mr. Charlie Ker:** Sorry, if the environment will overcome the negative economics?

**Mr. Wayne Gates:** Yes.

**Mr. Charlie Ker:** I see them as both mutually reinforcing, actually.

**Mr. Wayne Gates:** Okay. What, if any, negatives does your organization see resulting from a shift to increased LNG vehicle use?

**Mr. Charlie Ker:** You're talking a lot about negatives here.

**Mr. Wayne Gates:** Well, I think it's important to have somebody who's been involved with this and who has been doing the engines for a long period of time to say what the positives are. If there aren't any negatives, tell us what the positives are. I agree with you; it may be a good thing, but get it out there.

**Mr. Charlie Ker:** The negatives are the fact that we have a wonderful opportunity in front of ourselves, but we can't kid ourselves. When we talk about over-the-road trucking especially, we are very nascent. We're crawling and trying to reach a jog here. With 250,000 to 300,000 over-the-road trucks built every year, we're not even at 1%. Let's not kid ourselves. We are in the early stages of market development, but, as you've heard from previous speakers, we have had great success in transit and refuse. These are return-to-base fleets where it makes the most sense. We're getting there. We have to keep at it.

**Mr. Wayne Gates:** Because you've been in it for a long time, maybe you could help us. Does it require additional training around the handling of these types of vehicles and stuff like that?

**Mr. Charlie Ker:** Yes.

1440

**Mr. Wayne Gates:** Could you explain what some of that is?

**Mr. Charlie Ker:** As I said, it's a qualified yes, because when you're looking at a natural gas engine, you see the same block. So the ISL G has a counterpart in the diesel called the ISL. It's built, as I said, on the same assembly line. You're all invited to—these are built in the United States: in the case of the 9-litre, in Rocky Mount, North Carolina; and in the case of the 12-litre, in Jamestown, New York. There are a few changes—spark ignition. You're dealing with spark plugs, not com-

pression ignition, and fuel handling, really. So a lot of the training goes around the fuel system that accompanies the engine, but the training is not unlike that of diesel.

**The Chair (Mr. Monte McNaughton):** We'll move to the government now. Ms. McMahon?

**Ms. Eleanor McMahon:** Thanks for coming. I'll speak quickly—because I always speak quickly, as my colleagues will tell you.

Part of the conversation today has been around the infrastructure to support any kind of natural gas pipelines or broader usage. In commercial and personal vehicles, there are significant costs associated with engines, and that increases the cost of the vehicle. Is that the same case in the trucking industry? What does that look like in terms of broader uptake, in your opinion?

**Mr. Charlie Ker:** Our customers are actually the OEMs, the Peterbilts, the Kenworths, the refuse trucks, Bil-Mac, Autocar. And their customers are the municipal and the private fleet.

From our engine manufacturer's standpoint, the mantra has always been "Fuel first." Actually, it hasn't always been that. It is now, because the vehicles are now available. This was not the case seven years ago. If you had walked into a dealer and asked for a natural gas truck, they would have looked at you like you were from Mars. Now for every vehicle, from class 6 to class 8, in a variety of different vocational applications, there is a CNG option.

Getting back to "Fuel first," you have to figure out your refuelling, where you're going to get your fuel, and that certainly—when you are a fleet operator, it's not just the vehicle; it's the combined total capital costs, in many cases, of both the fleet vehicles themselves and the station.

**Ms. Eleanor McMahon:** If cost is becoming a lower barrier to entry, which is what I'm hearing from you—

**Mr. Charlie Ker:** Yes.

**Ms. Eleanor McMahon:** If that's the case, given the benefits as you've articulated them, how do we get to a place where we have the kind of infrastructure in place—the stations, the fuelling capacity—in order to encourage a greater uptake of natural gas?

**Mr. Charlie Ker:** Certainly, this bill is a great start. We've heard examples from the United States. Our company really started in the California market. That's what really made us what we are today—and some of the incentives there. You can't buy a diesel transit bus anymore in southern California. You can't buy a diesel school bus in southern California, or a refuse truck. They just won't allow it. They have many programs: the Carl Moyer program, different incentives where they get fees for vehicles—

**The Chair (Mr. Monte McNaughton):** I'm sorry. We have to move to the official opposition.

Ms. Thompson.

**Mr. Charlie Ker:** Sorry, I could go on.

**Ms. Lisa M. Thompson:** Please do. Hello. Welcome. We're very interested in what you have to say today.



I want to applaud my colleague Bob Bailey, because Bill 76 is exactly the type of thinking we need to enable your industry to move forward. I think you said specifically that Bill 76 is an important signal that Ontario may be pursuing a path that will get it right, and I'm glad you recognize that. We in the PC caucus certainly applaud Bob, the member from Simcoe—Lambton, for bringing this forward because—it's the innovation. Government needs to get out of the way of industry so you can explore and bring forward the innovations that we need to truly become green.

I'm very interested in what you said earlier about an invitation, because my husband actually—off-farm—works in a product launch department for Wescast Industries in Wingham. It's all about manifolds and turbos for him.

**Mr. Charlie Ker:** Okay.

**Ms. Lisa M. Thompson:** But I can appreciate the type of evolution that's happening in all transportation. I think that my first question has to be around the biggest barrier to converting to natural gas for businesses like yours who are thinking forward a little bit: What has to happen in order for you and your colleagues who have deputized before you to really move forward and expedite the path to use of compressed and liquefied natural gas?

**Mr. Charlie Ker:** Well, the adoption curve, as I've said, has been dramatic, over the last seven years, in these transit and refuse fleets. I think that we're going to keep seeing that, although the current reality around the price of a barrel of oil right now is having its effect.

One of our parent companies, Cummins, has been in the business for almost a century. The diesel business is going to be here for a long time to come. That is the incumbent.

I keep bringing up California, but California is, as is Ontario, looking at other zero or near-zero emission options—electric, fuel cells and what have you. Our customers down there asked us two years ago, "How low can you go in emissions? Because we can't be constrained to a few technologies that, maybe, aren't ready for prime time just now." That's what—

**The Chair (Mr. Monte McNaughton):** With that, thank you very much for presenting today.

I'd like to thank everyone for respecting the orders of the House that we were given, as far as the timelines for everyone to speak. We'll be meeting again on Wednesday, March 23, the week after constit week. Thank you again.

*The committee adjourned at 1447.*







## CONTENTS

Wednesday 9 March 2016

Natural Gas Superhighway Act, 2016, Bill 76, Mr. Bailey / Loi de 2016 sur l'autoroute du gaz naturel, projet de loi 76, M. Bailey .....	M-211
US Gain.....	M-211
Mr. Marc-André Paquin .....	
Union Gas .....	M-213
Mr. David Simpson .....	
The Rustbelt Group.....	M-215
Mr. Chris Milani .....	
Dr. Philip Walsh.....	M-218
FortisBC Energy Inc. ....	M-220
Ms. Sarah Smith .....	
Canada Steamship Lines .....	M-222
Mr. Yousef El Bagoury .....	
Emterra Group.....	M-224
Ms. Paulina Leung .....	
Cummins Westport Inc. ....	M-227
Mr. Charlie Ker .....	

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### **Vice-Chair / Vice-Président**

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Bas Balkissoon (Scarborough–Rouge River L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Wayne Gates (Niagara Falls ND)

Ms. Lisa M. Thompson (Huron–Bruce PC)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Ms. Erin Fowler, research officer,  
Research Services



M-23



M-23

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 23 March 2016

# Journal des débats (Hansard)

Mercredi 23 mars 2016

## Standing Committee on the Legislative Assembly

Natural Gas Superhighway  
Act, 2016

## Comité permanent de l'Assemblée législative

Loi de 2016 sur l'autoroute  
du gaz naturel



### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 23 March 2016

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 23 mars 2016

*The committee met at 1300 in committee room 1.*NATURAL GAS SUPERHIGHWAY  
ACT, 2016LOI DE 2016 SUR L'AUTOROUTE  
DU GAZ NATUREL

Consideration of the following bill:

Bill 76, An Act to encourage the purchase of vehicles that use natural gas as a fuel / Projet de loi 76, Loi visant à encourager l'achat de véhicules utilisant du gaz naturel comme carburant.

**The Vice-Chair (Mr. Jack MacLaren):** We'll call our meeting to order. My name is Jack MacLaren. I am Vice-Chair of the committee, and this is the Standing Committee on the Legislative Assembly. We're here to hear presentations today on Bill 76, An Act to encourage the purchase of vehicles that use natural gas as a fuel.

## ENBRIDGE GAS DISTRIBUTION INC.

**The Vice-Chair (Mr. Jack MacLaren):** Our first presenter is from Enbridge Gas Distribution. We have Malini Giridhar—did I say that right?

**Ms. Malini Giridhar:** That's right.

**The Vice-Chair (Mr. Jack MacLaren):** —who is vice-president of gas supply and business development.

You have five minutes, Ms. Giridhar. If you'd like to go ahead.

**Ms. Malini Giridhar:** I want to thank the committee for taking the time to consider legislation that will enable Ontarians to benefit from the environmental and economic benefits of natural gas.

You may not know this, but Enbridge was the first to introduce natural gas vehicles in the province of Ontario in 1975, at the CNE. Since then, we have built up a fleet of over 650 vehicles; that's about 75% of our fleet. To give you an example of its benefits, we saved over \$1 million in fuel costs in 2015 and we reduced GHG emissions by about 3.25 million kilograms of CO<sub>2</sub>.

We see the economic and environmental benefits of natural gas transportation, but that's not very common in Ontario. There are certainly a few fleets that have converted. The city of Hamilton has converted its buses to natural gas. We know that the region of Peel and Toronto are looking at taking their refuse trucks and

converting them to natural gas, and we know of a few trucking companies that have also converted.

But this is not as widespread as it ought to be. There are over 200,000 trucks that are registered in Ontario. If we got 5,000 trucks to convert to natural gas, we would have a life cycle reduction on GHG emissions of one megaton, and we want to reduce GHGs by about 15 megatons by 2020. That's a big number when you consider it's 5,000 trucks out of the 200,000 trucks we have in Ontario.

It's not surprising why the reductions are so significant. We've estimated that there would be an up to 20% reduction in GHG emissions just from using natural gas instead of diesel, but in fact, if you use renewable natural gas, which you would get from your green bin program or landfills, you'd reduce emissions almost down to zero. So that's a big opportunity for emissions reductions.

There is a big need for emissions reductions in Ontario. The transportation sector alone accounts for up to 34% of GHG emissions, and it's the fastest-growing source of emissions in Ontario.

Just as impactful as the environmental impact is the economic impact. Natural gas is between 20% and 40% cheaper than diesel. Even with today's low diesel prices, adopters of natural gas will save money. When you think about this, reduced transportation costs for Ontario would be of significant economic benefit for Ontarians. It's particularly important because our neighbouring jurisdictions are adopting natural gas transportation at a much higher pace than we are.

There's a reason for this. Not only do they see the environmental and economic benefits of natural gas; they have also reduced the barriers to adopting natural gas for transport. What are these barriers? These barriers are basically, first of all, the very high cost of purchasing natural gas trucks—that's a problem for a lot of fleet operators; there's also a lack of refuelling stations that would make it convenient to refuel. There are myriad other barriers, such as weight restrictions that prevent them from carrying the fuel they need for their distance of haul.

But other states and provinces have moved ahead, and we need to do that too. When you look at the states that are our neighbouring jurisdictions—Michigan, Ohio, Illinois, New York and Vermont—they all have incentives and they all have programs that look at providing refuelling infrastructure. When we look at our Western

Climate Initiative partners California and Quebec, they also have these programs.

Bill 76 is a very good start, but we also need to make sure that we can get this dialogue going about the benefits of natural gas transportation for the industry in general. We would like to work with the government to make sure that happens.

**The Vice-Chair (Mr. Jack MacLaren):** You have 30 seconds.

**Ms. Malini Giridhar:** Thank you very much for your attention. I'm done.

**The Vice-Chair (Mr. Jack MacLaren):** Very good. Thank you, Ms. Giridhar.

We'll now have three minutes of questions from each of the three parties as we go around. We'll begin with the Progressive Conservative Party: Mr. Bailey.

**Mr. Robert Bailey:** Thank you, Malini, for being here this afternoon. I've got a couple of questions. I want to ask them quick, and then my colleague, I know, has one.

You mentioned British Columbia and some other groups that are already there. They are far ahead of Ontario on both renewable natural gas and natural gas vehicles and fuelling stations. In a few short words, why is that the case?

**Ms. Malini Giridhar:** In the case of British Columbia, their natural gas industry regulator has been quite forward-thinking in terms of enabling the utility there to take these on. For instance, FortisBC is able to have the natural gas transport program as well as a renewable natural gas program, which allows them to offer a seamless service at a cost that makes sense for adoption, as well as administering an incentives program for trucks.

**Mr. Robert Bailey:** Okay. My colleague has a question.

**Mr. Steve Clark:** One of the things you've just talked about were those incentives. Can you just, again, highlight the jurisdictions that are practising this? And do you think that's the biggest barrier we have in Ontario for not providing this as well?

**Ms. Malini Giridhar:** That is definitely a very significant barrier. My understanding is that a natural gas truck could cost up to \$60,000 or \$70,000 more than a diesel truck. Having to outlay that kind of cash for fleet operators that generally don't have access to a ton of excess cash is a problem. But refuelling infrastructure is also very important, because it doesn't enable it otherwise.

**Mr. Robert Bailey:** If I've got time for one more here, just to get this on the record, you mentioned that natural gas is clean and it's carbon-free. Can you explain to the committee and myself how renewable natural gas can be clean, if it's just another source of methane?

**Ms. Malini Giridhar:** What renewable natural gas allows us to do is to just recycle what is existing methane that would otherwise contribute to GHG emissions. The amazing thing about it is that you actually prevent those GHG emissions and you capture them to fuel trucks. That's the benefit.

Even if it wasn't methane and it was just carbon, which is less effective from a GHG perspective, you're still displacing what would otherwise be a release of carbon into the atmosphere.

**Mr. Robert Bailey:** I've still got a—

**The Vice-Chair (Mr. Jack MacLaren):** You have another minute.

**Mr. Robert Bailey:** Okay.

The price of natural gas is very low right now, but so is oil. I know that you don't have a crystal ball, but can you give us an idea of where you think the price of gas could be five or 10 years out? We'll all run out and invest in the market.

**Ms. Malini Giridhar:** I'm not sure that I can offer a number, but we know that North America has reserves that will last us another 100 years plus. Certainly, with the modern technology, we are able to really produce natural gas at very low rates. We expect natural gas prices to remain very competitive well into the future.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you.

We'll move to the NDP. Mr. Mantha.

**Mr. Michael Mantha:** I'm just wondering where my friend Mr. Bailey thought that you had a crystal ball into the future, because I sure as heck would want to find out where you get all that information.

**Ms. Malini Giridhar:** I wouldn't be working for Enbridge if I had that crystal ball.

**Mr. Michael Mantha:** No, no.

In your comments, you ended by saying that this was a good starting point and that there needed to be a lot more discussions. There's a provincial component; there's a federal component.

Do you have a sense that it's time we bring the two levels together to have a wholesome discussion? Because this can't happen from one level without the other one coming along. Is there someone you are having discussions with—maybe federal cousins—in regard to an idea, an avenue, other incentive programs, innovation that is coming from that perspective?

1310

**Ms. Malini Giridhar:** That's a great question. We quickly scanned the budget from yesterday and we noticed that there's almost \$60 million for alternative fuels for transportation, which include natural gas. That's a good start as well. We totally believe that we need that kind of dialogue. In fact, through our industrial associations, we're trying to do that and have the conversation both at the provincial and federal levels.

It's absolutely necessary as well to tap into innovation, because that's what allows us to lower the cost of adoption even more.

**Mr. Michael Mantha:** With this being available in other jurisdictions, in those other jurisdictions, is it isolated in certain areas or is it provided on a broad spectrum, covering several communities or the entire province? Let me make you the point. In southern Ontario, we have the ability—lots of travelling. But in northern Ontario, we have long distances and a lack of infrastructure. Would it be as efficient in northern Ontario as it is in



southern Ontario, comparing to other jurisdictions that already have this program in place?

**Ms. Malini Giridhar:** First of all, I think the gas utilities in Ontario, both Union Gas and Enbridge, can have province-wide programs that could be made available in both southern and northern Ontario, because there is gas available in many parts of northern Ontario as well. Having said that, I think where we would really make a start is where we have the longest distance of haul for trucks and where we can have the most effect immediately. You might phase it in, but we absolutely need it across the province.

**Mr. Michael Mantha:** One last quick question, and pardon my ignorance: With present trucks, will this new LNG vehicle require the individual to have special certification or licensing of any kind in order to operate these transports? Will they be required to go through some testing or will they be required to buy special insurance? Will they be required to do anything over and above what is presently there?

**Ms. Malini Giridhar:** I'm not actually able to answer that question competently, but I'm thinking that we have a subsequent speaker—

**The Vice-Chair (Mr. Jack MacLaren):** Time's up, but finish your answer.

**Ms. Malini Giridhar:** —who may be able to.

**Mr. Michael Mantha:** Let me know who that person is so I can ask the question.

**Ms. Malini Giridhar:** Yes, I think it will be the gentleman from CNGVA.

**Mr. Michael Mantha:** Look at how nice the Speaker is, letting us have our own conversation.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you. We'll now go to the Liberal Party: Ms. Wong.

**Ms. Soo Wong:** I want to go through the slides that you shared with us, your handout. On page 8 of your slides, you indicated that Illinois and Ohio provide incentives towards purchasing. Can you share with the committee what kinds of incentives we are talking about?

**Ms. Malini Giridhar:** I don't have the exact dollars that they provide, but I can definitely get that.

**Ms. Soo Wong:** That would be helpful. You also made a statement in this particular slide: "Alberta updated infrastructure regulations to allow for increased weight allowances." What are we talking about in terms of weight allowances? How much of an increase?

**Ms. Malini Giridhar:** Again, I'm not a very technical person, but we could provide that too.

The issue, again, with the weight allowances is that those restrictions prevent the necessary amount of fuel from being on the truck.

**Ms. Soo Wong:** Okay. As well, you made a comment here in the third bullet dealing with the province of Quebec announcing that they will subsidize the purchase. What amount of subsidies are you talking about?

**Ms. Malini Giridhar:** Again, I don't have the details of that particular—

**Ms. Soo Wong:** Okay. My last question, through you, Mr. Chair, is what role do you see the Ontario govern-

ment or yourself, as a utility company, playing in this private member's bill? Obviously, your sector supports this particular private member's bill. We heard about it last week and now we're hearing it again this week. So what role do you see your sector playing in terms of this particular piece of legislation?

**Ms. Malini Giridhar:** Are you thinking about our support for the legislation?

**Ms. Soo Wong:** More than just support. I mean, everybody supports. What does that really mean?

**Ms. Malini Giridhar:** Again, we think addressing the weight limitations is very important. It's also very important to reduce the cost disadvantage to procuring natural gas vehicles. This legislation addresses both of those things, so that's an excellent start.

Beyond the legislation, we also want to engage in a dialogue with all the industry participants: the engine manufacturers, the ones who provide the refuelling infrastructure, the government, and the fleets that would adopt this infrastructure and the technology. We think we can play a facilitation role across the chain. We find that whenever utilities have been able to do that, we can drive market adoption because we can drive the cost down. We can do the facilitation role and often even the subsidy disbursement. Like in BC, Fortis has played a role in making those incentives available to trucking companies.

**The Vice-Chair (Mr. Jack MacLaren):** You have 15 seconds.

**Interjection:** I know. I'm going to turn to you.

**The Vice-Chair (Mr. Jack MacLaren):** All right. Thank you, Ms. Giridhar.

**Ms. Malini Giridhar:** Thank you.

## ENVOY ENERGY

**The Vice-Chair (Mr. Jack MacLaren):** Our next presenter will be from Envoy Energy, Mr. James Ro. Welcome, Mr. Ro.

**Mr. James Ro:** Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** You have five minutes. You can begin when you're ready.

**Mr. James Ro:** Good afternoon, everybody. Thank you for the time. My name is James Ro, president and founder of Envoy Energy. I'm also the owner of an Ontario-based CNG infrastructure developer called ComTech CNG. We're the ones that built and now maintain the GAIN Emterra CNG station in Mississauga.

By way of background, I spent most of my career in investment banking on Bay Street, advising companies on mergers, acquisitions and raising growth capital. I entered the CNG industry in Ontario one year ago when I acquired ComTech CNG, along with a high net worth investor. I wanted to be involved in the industry because I saw the growth in station infrastructure happening in the US and felt that it was just a matter of time when Ontario would catch up, especially due to the fact that Highway 401 is arguably the busiest highway in North America for the transportation of goods between the US and Canada.



I formed Envoy Energy two months after acquiring ComTech CNG because I realized that the industry was missing a turnkey solution provider that takes an education-first approach. As you can see on slide 1, Envoy has been able to collaborate with industry experts in different areas to provide a one-stop-shop solution for fleets, a CNG toolbox, if you will. Today, I'll be speaking to you about CNG infrastructure and how to potentially accelerate the adoption of CNG in Ontario.

Slide 2: Envoy takes an education-first approach because in order to achieve CNG adoption I strongly believe that you have to go through this adoption curve starting with education. However, the critical next step is allowing fleets to test the performance reliability costs savings of CNG, and that can only be achieved by our demonstration program which I will quickly explain in the next slide. If fleets are going to convert from diesel, their largest or second-largest operating expense, to try to gain a competitive edge, the financial and operational risks have to be mitigated.

Slide 3: Envoy has invested in the first demonstration program in Ontario that involves two dedicated CNG trucks and two mobile refuelling stations. This allows us to offer fleets a CNG truck and fuelling for a two-to-four-week period. We launched this demonstration program three months ago and we are currently dealing with the largest fleets in Canada.

Slide 4: CNG as a vehicle fuel is proven and adopted around the world with more than 16 million natural gas vehicles in 80 different countries. The top right chart shows the top 10 countries around the world that have adopted CNG. Please note that this is 2012 data. North America is approximately 1% of the global natural gas vehicle market.

Slide 5: According to Natural Gas Vehicles for America, there are approximately 1,750 natural gas stations and 153,000 natural gas vehicles in the US. As you can see in the pie graph, there's a balanced mix between light-, medium- and heavy-duty vehicles.

In the next five slides I will show you maps of compressed natural gas stations in the US from major infrastructure developers. The first one on slide 6 is Clean Energy's map, the largest CNG player in North America. Over the last eight years, Clean Energy has grown their network from 170 stations in 2007 to 570 stations in 2015.

Slide 8 shows a map of TruStar's CNG stations. Note the cluster in the eastern region.

The next slide is a map of Trillium stations. The next slide—here's a map of GAIN stations. Again, note the cluster in the eastern region.

Finally, a map of ampCNG stations. There's a widespread CNG station network that exists today in the US, all clustered around the US and Canadian border.

Slide 11: This slide shows you most, not all, of the CNG stations in Canada today: approximately 25 in total, of which 15 are in Ontario. The vast majority of these are private stations. If you assume that there are approximately 1,750 natural gas stations in the US, and Canada

is one tenth the size of the US, one could assume that Canada has the potential for 175 CNG stations.

In closing, CNG is not a one-size-fits-all solution. Low diesel prices, the Canadian dollar and the premium for CNG trucks are making the business case for CNG less compelling. Today, it costs approximately \$60,000 more for CNG versus a diesel truck. The cumulative, incremental cost for 1,000 CNG trucks is \$60 million. To build CNG infrastructure to meet that fuel volume would cost less than \$30 million. So premiums for the CNG trucks are a large cost and a long payback period to overcome.

1320

If there is meaningful CNG demand, I know that third-party financing could be available for CNG infrastructure. However, to get third-party financing for truck premiums is very difficult, and I think that is where the government can play an important role in reducing the cost delta between CNG and diesel trucks. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you, Mr. Ro. We'll now go to questions, starting with Mr. Mantha of the NDP.

**Mr. Michael Mantha:** Mr. Ro, did you get through everything that you wanted to get through?

**Mr. James Ro:** Yes.

**Mr. Michael Mantha:** Are you sure?

**Mr. James Ro:** Yes.

**Mr. Michael Mantha:** All right. I've got a question. I need you to help me out. You talked about financial risks and mitigating that.

**Mr. James Ro:** Yes.

**Mr. Michael Mantha:** Give me a bigger picture of what you mean by that.

**Mr. James Ro:** There's an investment to realize on any fuel cost savings. That comes from getting over the truck premiums, depending on how many trucks are in your fleet that you want to convert. You've got to figure where you want to refuel, whether it's on-site or at publicly available stations along your routes. There are building modifications for when you service a truck: It has to be natural-gas-compliant with the proper methane detection and ventilation, etc. There are a lot of pieces to the puzzle that need to be addressed. For any fleet owner to make that upfront investment, they'll think twice about it.

**Mr. Michael Mantha:** So that investment, within the context of the bill as it is written right now—is there enough there? And if there's not enough, what would those incentives look like in order to attract greater investment into this industry?

**Mr. James Ro:** I've been speaking to a lot of fleets and they all talk about de-risking. That certainly means from a financial perspective. If they're going to invest, for example, \$60,000 more per truck on a CNG vehicle, they need to be sure that there's going to be a benefit at the end of the road.

Further to that, they can't afford to have any disruptions to their operations. If their truck runs out of fuel and it stops along the highway, that's a cost to get it towed



back to the service bay and spend time in the service bay. That's opportunity cost. So there are all of those things that need to be addressed.

**Mr. Michael Mantha:** Presently, from what I'm looking at here—20 to 25 stations that are there—you couldn't operate a fleet consistently, presently, throughout the province in each and every one of the jurisdictions? Whether you're in northern Ontario, western Ontario, regardless of where you are, right now, if I'm looking at this as far as the locations, it would be very challenging for you to accomplish that.

**Mr. James Ro:** Yes. All those stations that are listed there—you can't even access the vast majority of those sites because they're private stations for return-to-base fleets, solely for their own purpose. So there's no public access.

**Mr. Michael Mantha:** All right. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you, Mr. Mantha. We'll go to the Liberal Party: Mr. Ballard.

**Mr. Chris Ballard:** Welcome, and thank you for your presentation. There's lots of good information here.

Just a question that—maybe someone has answered it already. A fundamental question: Why is this gas, this fuel, less expensive than diesel?

**Mr. James Ro:** Because in 2009 there was a shale gas boom in North America. Overnight it increased the domestic supply of natural gas when demand hasn't really—it remains stable. So it's classic supply-demand. I think since then, to today, that really increased the price delta between oil, diesel and natural gas.

**Mr. Chris Ballard:** Obviously, the cost of that raw product is lower. Is natural gas taxed at the same rate as other fuels in terms of excise taxes when it comes to transportation?

**Mr. James Ro:** No, not today.

**Mr. Chris Ballard:** So that might have something to do with it as well.

**Mr. James Ro:** That's right. Definitely.

**Mr. Chris Ballard:** So we're looking at a number of areas that you'd like to see government step in and subsidize: trucks, infrastructure for fuelling, and excise tax.

**Mr. James Ro:** Yes.

**Mr. Chris Ballard:** Okay.

**Mr. James Ro:** And then one thing to point out: You can fix natural for five years. Not only do you get a cost advantage for fuel, but you can also fix it over five years and get stable fuel costs. You get the certainty. For a fleet owner, that's important.

**Mr. Chris Ballard:** Good. Thank you.

**Ms. Daiene Vernile:** James, thank you very much for coming and presenting this afternoon. My home riding is Kitchener, and I've had a chance to visit the waste management in Waterloo. It's a great installation there. So you are looking for support to reduce your costs.

When I look at this map of the States, how much support did you receive in the United States for your installations there?

**Mr. James Ro:** I'm just Ontario-based, so I wasn't involved in any station build-outs in the US. But my understanding is—and I don't know the details—that the infrastructure growth in the US was predominantly driven by various government incentives for vehicles.

**Ms. Daiene Vernile:** So you were getting incentives in the US.

**Mr. James Ro:** No, I'm just a purely Canadian player. I'm Ontario-based, so I have had no involvement in the US. Those are just snapshots of CNG infrastructure for various US players.

**Ms. Daiene Vernile:** It would be worthwhile to know what kind of supports you are getting in the States to make that comparison for what you are asking for here in Ontario.

**Mr. James Ro:** Right.

**Ms. Daiene Vernile:** How about comparisons to other Canadian provinces?

**Mr. James Ro:** Well, as you can see on, I think, the second-last slide, there's not—

**Ms. Daiene Vernile:** BC, Nova Scotia, Manitoba, Quebec—

**Mr. James Ro:** Yes. So 60% of the stations today, the major stations, reside in Ontario. There is no government support in Ontario. I know BC does have some incentive money for vehicles. Quebec does as well: 30% of the vehicle premium to a maximum of \$15,000. That's what's available in Quebec—

**The Vice-Chair (Mr. Jack MacLaren):** Time.

**Ms. Daiene Vernile:** Thank you very much.

**The Vice-Chair (Mr. Jack MacLaren):** We'll move to the Conservatives. Mr. Bailey?

**Mr. Robert Bailey:** I was looking for my partner. He's gone, so I guess it's up to me. Anyway, thanks, James, for coming here and presenting.

A couple of things I wanted to get on the record: When I first drafted this bill, the idea was—I went to a natural gas seminar. It was in Quebec City, and they showed the map of the lower 48 states, and they also showed the province of Quebec. Ontario was a big blank portrait with nothing there. I said, "We need to build this infrastructure along the 401, at least the 400-series highways, for those trucks." I found out that Robert Transport comes into Toronto every day, probably, to the food terminal and back. Those vehicles are powered with LNG today. So my idea was—and I'm glad the other people brought up about the tax structure, because if industry's going to move to this, we've got to leave that tax window alone. It's not a spot for government to move in and take over that revenue just because these gentlemen and ladies would think about converting that. So I want to get that on the record. The GST—the HST portion was just on the difference in the price to help purchase these vehicles.

I've had industry come to me—and maybe you can speak to that, James. Industries came to me and said they are willing to build these refuelling structures. The infrastructure will follow, but they need direction from



government before they convert those fleets, as you said. Maybe you'd like to comment on that.

**Mr. James Ro:** I absolutely agree. I don't think there's a CNG industry today for vehicles in Ontario. The market's still developing. In order for there to be a robust, big industry, you need demand, and government incentives to reduce that cost dealt out with CNG trucks will be a catalyst for that. So if there's big demand, I think the industry will take care of itself, from infrastructure to building up modifications—the whole execution of CNG infrastructure.

**Mr. Robert Bailey:** If I've got a second, if you could speak to the point that, as I understand it, truck traffic is less than 3% of the traffic on our highways, but contributes up to 30% of the greenhouse gases, so this would be a dramatic improvement for a society like ours. We say we're moving to a cleaner and better environment, so would this go some way to doing that?

**Mr. James Ro:** Yes, absolutely. With CNG, to make it work, to build that business case, you need throughput; you need volume. To focus on high fuel consumers would make a lot of sense and make, actually, everything work. The class-A truck market is the right transportation sector to focus on.

**Mr. Robert Bailey:** Thanks, Jack. I'm done.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you, Mr. Ro.

#### UPS CANADA

**The Chair (Mr. Monte McNaughton):** Our next presenter will be UPS Canada: Ms. Cristina Falcone, vice-president of public affairs. Ms. Falcone? You have five minutes, and you can begin when you like.

**Ms. Cristina Falcone:** I want to thank the committee for considering what we feel is important legislation to bring Ontario forward in its vision to motivate innovation and investment in carbon reduction technologies and supply chains.

UPS Canada is encouraged by Bill 76, as it is a substantial first step in supporting cleaner transportation across Ontario. The transportation sector is now the second-highest source of carbon emissions in Canada and the highest source of emissions by sector in Ontario. I think all of our transportation industry colleagues agree that this is not a category our sector wants to be leading in. Like this government, we realize the time for action is now.

1330

By working in partnership and sharing the transition costs, UPS believes we can reach our emissions goals together. UPS has always been an early adopter of innovative technologies. In the early 1930s, we introduced electric vehicles into our fleet. Today, we operate one of the industry's largest private alternative fuel and advanced technology fleets, made up of more than 5,000 low-emission vehicles.

Around the world on any given day, UPS is testing out new technology in its global fleet, including all-electrics,

electric hybrids, hydraulic hybrids, propane, compressed natural gas, LNG and biomethane. Since 2000, our alternative fuel and advanced technology vehicles have logged more than 500 million miles in the US, Germany, Canada, the Netherlands, Chile, Thailand, Hong Kong, South Korea, Brazil and the UK. We're happy to share what we've learned with the Ontario government.

In our experience, the majority of UPS investments in low-emission vehicles have fallen within the US or international jurisdictions that offer funding to offset investment costs. For example, in the fall of 2015, UPS announced the deployment of 18 electric, zero-emission delivery vehicles to the Houston-Galveston area in Texas. The truck purchases were the result of a partnership with the US Department of Energy, local governments and non-profits.

In BC, the province is offering incentives for companies to invest in alternative fuel vehicles. As a result, UPS has been in discussions to implement a possible program to utilize 60 CNG in-city package cars for use in BC.

UPS would be interested in expanding its fleet of low-emission vehicles here in Ontario, should there be similar commitment and collaboration between government and industry. While there are initial transition costs, UPS believes that once we clear that first hurdle, there will be significant economic and environmental benefits for both our industry and the province.

As you have heard from previous speakers, natural gas represents a cleaner alternative to traditional fuels, especially diesel, for medium and heavy trucks, trains and ships. It is a significantly less expensive and more stable source of fuel, with considerably lower carbon emissions than other transportation fuels. Most importantly, we know it is a stable investment for our industry and government.

California has already made strides with programs like the wildly successful Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project. This is a unique program that helps to speed the early market introduction of low-carbon hybrid and electric trucks and buses. It addresses the biggest barrier to the purchase of medium- and heavy-duty advanced trucks: the high incremental cost of these vehicles in the early market years when production volumes are still low.

Programs like the HVIP in California not only help the transportation industry make the financial jump to low-emission vehicles; they help all consumers by encouraging greater purchase of low-emission vehicles in early market years and bringing overall prices down.

In closing, Bill 76 promotes an important step in positioning Ontario as a leader in greening Canada's transportation industry. I can assure this committee that UPS is committed to operating more sustainably for our customers, the environment and the communities we serve around the world. We look forward to supporting this government and the committee in any work going forward to ensure a cleaner transportation sector in Ontario, reaching our emission goals together.



**The Vice-Chair (Mr. Jack MacLaren):** Thank you. We will begin the questions with the Liberals.

**Ms. Eleanor McMahon:** Thank you very much for coming today. Who doesn't know the brown truck, right?

A question for you: We had conversations today and last week about incentives that other jurisdictions are offering to the industry. You mentioned the HVIP in California. Can you tell us more about that?

**Ms. Cristina Falcone:** This is a voucher incentive program that encourages the purchase of hybrid electric buses and vehicles, but we would recommend a similar program for any type of low-emission vehicle. It's really an up-front credit; in fact, it can be built right into the manufacture so that credit is pre-set per vehicle and offered up front to the purchasers at the time.

In terms of a simplification and a motivator, this would be a preferable choice for our industry, although we do feel that any incentive is a step in the right direction to help balance that financial investment. You'll see an alignment. When you take a look at the map of the US and where certain states are partnering with industry or have programs that use vehicle vouchers, you do see an alignment with investment from the industry.

**Ms. Eleanor McMahon:** Two quick questions: Can you highlight which US states are doing it well, and second, have you had any conversations with manufacturers to form a bit of an alliance to have a conversation with government about how you could work it? Because you have a huge fleet, I imagine.

**Ms. Cristina Falcone:** We do. Actually, just this month on the 15th we announced another \$100-million investment that we're going to be making in the US, partnering to build fuelling infrastructure, which we'd be interested in doing here in Canada as well. We provided our input into the federal budget on that because we do see the Ontario-Quebec corridor as an opportunity.

But just as propane infrastructure wasn't developed years ago when we started to put those vehicles on the road, that's where we stand right now in terms of fueling infrastructure for LNG and CNG. We would be interested in even partnering on that.

The states where we're going to be putting 380 CNG vehicles in the US and building 12 fuelling infrastructure are Texas, Tennessee, South Carolina, Missouri, Arizona, Nevada, Georgia, Colorado and Pennsylvania.

**Ms. Eleanor McMahon:** Interesting. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Okay, thank you. We'll go to the Conservative Party and Mr. Bailey.

**Mr. Robert Bailey:** Did they still have some time left?

**The Vice-Chair (Mr. Jack MacLaren):** They do.

**Mr. Robert Bailey:** Okay, I think somebody wanted to ask a question there.

**The Vice-Chair (Mr. Jack MacLaren):** Oh, you do.

**Ms. Eleanor McMahon:** Chair, forgive me. My colleague Granville Anderson would like to ask a question. Sorry, Mr. Chair.

**Mr. Granville Anderson:** Thanks for presenting here today. You're expanding your fleet, I heard you say

earlier. Where are these vehicles built, mostly? Do you know?

**Ms. Cristina Falcone:** I'd have to check in with our procurement group right now, because mostly investment has been in the US.

**Mr. Granville Anderson:** In the US?

**Ms. Cristina Falcone:** They're in the US, but we do feel this is an important opportunity for the Canadian market. We do like to source locally if we can.

So, we aren't—and I didn't address that one question. I mean, we do have relationships with the manufacturers here, and the work is just starting. We just started putting our thoughts together and we submitted this white paper. I don't have it today, but I can follow up by sharing it.

We're starting to talk with others in the gas industry and we will be grouping with manufacturers to have these discussions because we've always told the story in the US as an economic story, which it is. In each market, we look at where we can support locally. We'd like to do that. It's just a matter of what makes sense financially as well.

**Mr. Granville Anderson:** Yes, because I'm wondering in the local economies—

**Ms. Cristina Falcone:** Yes.

**The Vice-Chair (Mr. Jack MacLaren):** That would be time.

**Mr. Granville Anderson:** Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Now we will move to Mr. Bailey.

**Mr. Robert Bailey:** Thank you, Mr. Chair, and thank you, Ms. Falcone, for presenting today. I only have a couple of questions. If this fuel and the infrastructure would have been available here—and this tax incentive, or whatever kind of incentive—UPS in Ontario probably would have made the same investments in their new fleets that you did in the States. How many trucks would you have here in Ontario? Some 50,000 maybe?

**Ms. Cristina Falcone:** Yes, we've got a number, but we try to map out where we want to make the conversions. We would probably phase them in over the next couple of years.

I handle public affairs for Canada and I would love to be able to tell the story in Canada. In fact, we are a leader in our percentage of total fleet on low emission because we did a lot of investment in propane with the brown trucks on the road, because Ontario had the green fleet program years ago. That's when we made the biggest transition. And then it has kind of reached a plateau.

We're looking for some sort of program so that we can now take that next step on the tractors.

**Mr. Robert Bailey:** I have another question, too. I think I've got a minute here. You've obviously, I guess in the States—that's the only thing that we can go by—noticed a cost difference in the fuel going to natural gas, or CNG. So now, the big question if I was a customer—those costs, I imagine, are passed on to the customers, like in lower prices compared to someone that's your competitor that's running on diesel or gas. Would those savings be passed on?



**Ms. Cristina Falcone:** We operate on a fuel surcharge index, which is just based on the fuel that we purchase. That's adjusted quarterly, and everything is based off of that. But we do receive more frequent requests from our customer base to report back on what we're doing for sustainability. So it's not only important for us. We started sustainable because it made financial sense. I mean, years ago even we measured down to the number of kilometres that we drive, but it's becoming more demanding.

**Mr. Robert Bailey:** The reason I ask that is that I heard people in the larger fleets saying that they were being pushed by—well, we know who they are: Walmart, Costco and the big grocery stores. They want fleets to go to LNG or CNG to keep the cost down so they can keep their costs down to their customers. I'd assume that your industry is probably the same.

The only other question I have is—because this was asked last week—for a driver or operator, there wouldn't be any difference in operating a natural gas vehicle versus a diesel or a gas; it would just be minimal training?

1340

**Ms. Cristina Falcone:** There is some training, and so we would request, if possible, assistance with the training, mainly with the shop upgrades; there's an investment there to be made. But it's not a huge leap in terms of training.

**Mr. Robert Bailey:** Okay. Thank you. That's all I have.

**The Vice-Chair (Mr. Jack MacLaren):** We will now move to Mr. Mantha of the NDP.

**Mr. Michael Mantha:** Coming from a northern riding, there are a lot of people who really look at their choices as far as what they're doing. We've seen the cost of electricity jump up, so people are looking at other options, but they're doing it in a very responsible way.

I'm going to bring up the F-word: fracking. People are concerned about going to gas, because it's cheaper, yes, but are we going down the avenue that we want to go? Is it going to be as environmentally friendly as we believe? Are we going to recognize what is happening within the gas industry? Because the price of gas right now is cheap because of the abundance of gas that is available through fracking, right? So some of the people are challenged, making those decisions, weighing "Should I do it? Should I not do it?" They want to be responsible.

As UPS, a corporate entity, how do you see your footprint? How do you see making this a responsible decision for you that—yes, by converting from diesel and going towards the gas, there's less emissions for sure. But are we considering the impacts that it may have environmentally?

**Ms. Cristina Falcone:** Well, we always look at the situation from a long-term scenario. Like I said, we made this recent investment, even into CNG. But we are testing different fleets globally and our long-term objective would be to move to renewable natural gas.

The good thing, what we like about CNG and LNG, is that it's scalable and ultimately zero emissions. We do see this as a transitional technology. The good thing about it is once that investment is made, it is scalable up. That investment is there, and eventually we can move to a renewable natural gas format, which again lowers the impact from a sustainability perspective, and then on to zero emissions, as we've made that evolution in the US.

**Mr. Michael Mantha:** Which basically answers my second question. As the good corporate citizen that UPS is, have you looked at the alternatives? What if, due to global pressures that are going to be put on the F-word, which is fracking, they may change from that technology or they may change from extracting the gases that way? What other avenues have you looked at, considering?

**Ms. Cristina Falcone:** On the RNG side, we were encouraged by the federal budget announcement yesterday to allocate funds for investments into electric infrastructure. We'd like to continue that dialogue and how that can be done right down to the provincial level, because for in-city driving, that's an opportunity.

We run what we call a rolling laboratory fleet, and we're testing out technologies globally. Certain types of energy work better in different markets. Propane works well in the cold, for example. Electric is not at the point where it can work for the heavy trucks yet. But we're continuing to test and roll out.

Right now, we see CNG and LNG as the transitional mechanisms for today.

**The Vice-Chair (Mr. Jack MacLaren):** Time.

**Mr. Michael Mantha:** Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you, Ms. Falcone.

## CANADIAN NATURAL GAS VEHICLE ALLIANCE

**The Vice-Chair (Mr. Jack MacLaren):** Our next presenter will be from the Canadian Natural Gas Vehicle Alliance: Mr. Bruce Winchester, the executive director.

Hello, Mr. Winchester.

**Mr. Bruce Winchester:** Thank you, Mr. Chair. Honourable members, I'd like to thank you for the opportunity to appear before your committee to talk about and outline Ontario's natural gas transportation opportunity.

The Canadian Natural Gas Vehicle Alliance is the national association representing Canada's natural gas vehicle industry. Our membership includes natural gas distributors; manufacturers of vehicles, vehicle equipment and fuelling equipment; research and development; innovators; engineering service providers; fleet operators; and natural gas vehicle enthusiasts. Our mandate is to promote the adoption of natural gas vehicles in Canada. We support safety through the development of codes, standards and training, research and innovation, both within our member companies and research universities. In partnership with the government of Canada, we've engaged in outreach to encourage vehicle adoption.



Transportation is a crucial industry in Canada. It employs almost one million Canadians and is a \$70-billion-per-year industry. The second-largest source of greenhouse gas emissions and other air pollutants comes from this sector. In such a vast country as Canada, finding cost-effective, low-emission transportation is an enduring challenge, but it's one where natural gas can play a critical and crucial role.

Ontario is a central junction point in Canada's national transportation network. Ontario's 400-series highways are part of North America's busiest transportation corridors, linking interconnected enterprises in a global economy. As an economic sector, Statistics Canada tells us that it is a \$23-billion-a-year industry with over 119,000 heavy vehicles and 30,000 buses.

This sector accounts for the largest portion of Ontario's greenhouse gas emissions, and, within that, heavy vehicles account for the biggest proportion of that. That means that Ontario should be focused on encouraging the adoption of low-emissions technologies like natural gas. Bill 76, the Natural Gas Superhighway Act, is a shining example of our legislators rising to this challenge.

MPP Bob Bailey is to be commended for introducing this legislation as a private member's bill. PM bills have been at the forefront of significant legislative changes in Canada, and when they enjoy the kind of multi-partisan support that I see here today, this is the kind of situation where we have an opportunity for a significant win.

The proposal focuses on one of Canada's key transportation corridors. It recognizes the need for higher weight restrictions—and that accounts for the properties of natural gas as distinct from diesel—and it provides some modest tax relief associated with the higher capital costs of buying alternative-fuel vehicles. But what it would do is make a significant contribution to Ontario keeping transportation costs low and also reducing the associated emissions.

As this committee has heard and will hear from others, natural gas vehicles are a proven technology. Cummins Westport, which is a joint venture of North America's leading truck engine manufacturers, builds three different engine sizes and supplies to all truck, bus and refuse vehicle manufacturers. Cummins Westport has developed three generations of natural gas engines, always incrementally improving on the performance of the last generation.

Agility Fuel Systems and Luxfer Canada have been providing natural gas fuel tank solutions to equipment manufacturers and innovating and extending the ranges of vehicles as they go.

Finally, Westport has developed a variety of vehicle technologies, including the high-pressure direct injection system, which has been referred to, in some of the LNG tractors.

Ontario-based fleets owned by leaders like Emterra Environmental Waste Management, Progressive Waste and the Hamilton Street Railway are, as we speak, running on natural gas. On Ontario's 401 highway, heavy trucks owned by Quebec-based firms like Robert Transport and CAT are, as we speak, running on natural gas.

This committee has heard and will hear from others who will understand the economics of natural gas markets, and we've heard a fair bit about it. The bottom line is that even with today's petroleum prices, natural gas can be delivered to vehicles at a competitive price.

Like many novel technologies, the key here in getting those economies of scale is to have large volumes of trucks adopting it. If you can imagine matching the performance that we see at the 180 cardlock facilities that dispense diesel—if we could match that level of throughput, the price of natural gas fuel could be significantly cheaper than diesel, even today.

Traditional diesel fuel trucks, unlike natural gas vehicles, have fairly high emissions characteristics, and this is—

**The Vice-Chair (Mr. Jack MacLaren):** You have 30 seconds.

**Mr. Bruce Winchester:** This is an important thing to keep in mind when we have an opportunity to reduce as much as 50 tonnes per year with a truck, and that is nearly double the emissions that you'd see, for instance, from a Tesla passenger car.

We believe that this bill has laser-like focus on the right set of vehicles to deliver significant environmental gains for Ontario, and we enthusiastically support it. I look forward to your questions.

**The Vice-Chair (Mr. Jack MacLaren):** We'll go to questions with Mr. Bailey.

**Mr. Robert Bailey:** Thank you, Mr. Winchester. I can't say I'm neutral on this, so I've got to say thank you very much for your comments.

Based on your experience in other provinces and US states, which jurisdictions are leading? Maybe we know this from some of the other—but in your opinion, which jurisdictions are leading in the natural gas transportation file?

**Mr. Bruce Winchester:** I'll tell you about the two Canadian jurisdictions, which are Quebec and British Columbia. You ought to pay a lot of attention to Quebec. I refer to Quebec-based fleets that are coming into Ontario. Adjusting the weight restrictions, looking at ways to increase the infrastructure, will go a long way to deal with those fleets that are coming into Ontario, currently running on diesel. We'd like to see them running on natural gas, and I think you have an opportunity there as well.

**Mr. Robert Bailey:** You talked about Robert Transport coming into Toronto every day and returning. This would start out at least as a minimum for the 400-series highways for delivery of groceries and delivery of all kinds of freight to different sectors.

1350

There was a map handed out earlier. If I look at that map of the United States, the lower 48, and in Quebec where we have this infrastructure already in place—like I said, I've had people approach me from the industry. They're willing to build the infrastructure. So I think it's the old, "Which comes first: the chicken or the egg?" I think here in this case, we need to encourage these fleet



owners to make that conversion and then the rest will follow. Would that be—

**Mr. Bruce Winchester:** The legislation is a great first step, but the reality is, and as we presented to the federal government just a few weeks back, we're suggesting investment both in the incremental costs of vehicles, just the part that relates to natural gas, not the whole price of the vehicle, and in some of the incremental costs associated with building compression and cardlock facilities. You've got to remember that gasoline retailers don't have a very large margin and don't have access to a lot of capital. Helping them out by making those investments in compression so they can service these CNG or if they opt for LNG vehicles would go a long way. We saw \$62 million in the federal budget. This bill could go a long way to help Ontario get its share of that money, by making that change on the weights and showing that it's a natural-gas-friendly jurisdiction.

**Mr. Robert Bailey:** I think we're always interested in that in Ontario: getting some money from the federal government. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** We'll move to Mr. Mantha of the NDP.

**Mr. Michael Mantha:** One first question I have to ask you: Did Mr. Bailey put you up to saying all those nice things about him?

**Mr. Robert Bailey:** We've never met before.

**Mr. Bruce Winchester:** I've never met Mr. Bailey before, but, Mr. Mantha, I'll say some nice things about you. As I mentioned, this kind of initiative can only go forward with multi-party support. We really appreciate that all of the legislators are working together. So you're all to be commended. Don't worry about that.

**Mr. Robert Bailey:** Put it on your Christmas card.

**Mr. Michael Mantha:** I'm glad you're here. I wanted to ask you a question in regard to licensing. The drivers who are going to be operating these vehicles: What is the additional cost or what is the specified training, licensing—anything and everything—that would be expected for the truck drivers, from an industry perspective or from a driver's perspective? Are there any additional costs that are tied to this?

**Mr. Bruce Winchester:** I'm glad that you've asked me that question. As an organization, we've worked in partnership with the federal government to develop training courses for drivers in dealing with refuelling LNG and CNG. Those will be available in video form to any fleet that adopts, and to any cardlock stations. We provide that for free.

We also are working with Canada's college sector to ensure that vehicle technologists and inspectors are given an opportunity at college-level certification and training to deal with maintenance and repair of these vehicles. The maintenance costs of these vehicles are not greater than diesel, and some would argue they are less expensive than diesel. There are some differences. It's important to know those differences. We have worked with the federal government, and our member companies are actively building those courses. We're making them

available for free to Ontario's college sector. I invite them to take advantage of that.

I guess the other thing I should mention while I mention colleges is that we've got a network at the University of Toronto that is doing some cutting-edge research on the next generation of engine technologies as well.

For northern Ontario, I'll point out that there's a company called Lockerby Taxi in Sudbury—I don't know if that's near your riding because I don't know where your riding is—

**Mr. Michael Mantha:** My riding is northern Ontario.

**Mr. Bruce Winchester:** Oh, way northern Ontario. Sudbury doesn't count, at least for your purposes, but Lockerby Taxi is in the process of converting to CNG for their taxi fleet. As you may or may not know, the only natural gas vehicle available in the passenger vehicle segment actually rolls off an Ontario assembly line in Oshawa. It's an Impala that's available equipped from the factory with both natural gas and gasoline capabilities. If you were going to look at that for a personal vehicle, it would be a bit challenging to refuel it right now, but we're working on it.

**Mr. Michael Mantha:** Being responsible for the groups that you represent, you're already looking at the what-ifs. Right now, this is what's going to answer the question as far as reducing emissions. I'm sure you're already considering, "What if this doesn't pan out?" What is the next step?

**The Vice-Chair (Mr. Jack MacLaren):** Time, Mr. Mantha.

**Mr. Bruce Winchester:** That's a great question. There was a group of people with Pollution Probe yesterday who are looking at this very question in Ontario: deep pathways to get to near-zero carbon emissions in transportation. Natural gas is a great start. We're at 17% on a life-cycle-basis reduction in emissions—which accounts for fracking, by the way—but we could do better. Theoretically, you could get 30% reductions just on conventional natural gas, and then there's the whole issue of renewable natural gas, which takes solid waste that we can't do a lot about and turns it into a gas we can use.

**The Vice-Chair (Mr. Jack MacLaren):** Mr. Winchester—

**Mr. Bruce Winchester:** Sorry, I apologize.

**The Vice-Chair (Mr. Jack MacLaren):** We'll move over to Ms. Wong from the Liberals.

**Ms. Soo Wong:** Your organization is an advocate for the natural gas industry. Last week, witnesses came forward and I had asked a similar question: Has your organization looked into concerns that were raised last week about the potential damage to the roads, as well as the infrastructure, with this particular type of gas?

**Mr. Bruce Winchester:** The fuel itself doesn't pose any real danger on the infrastructure side. The bill proposes a modest increase in weightings. I'd point out that Canadian weightings on highways are much higher. In western Canada they're almost double what's allowed in Ontario. I think you've got a long way to go before this



weight increase will have a real negative effect on existing infrastructure that you have in Ontario. It's worth considering. It's an important point. So far, we've not seen natural gas contributing to increased wear and tear on infrastructure.

**Ms. Soo Wong:** Okay. I think my colleague may have some questions for you.

**Mr. Chris Ballard:** Great. Thanks for the presentation. Lots of good information. Whenever anyone comes to us, any organization or group, and says they have a great idea, I'm always looking for the total business case. What I'm hearing so far, and correct me if I'm wrong—I know there are concerns out there about weight increase for vehicles and the impact that will have on roads and bridges. I'm hearing about a need for government funding for infrastructure and government subsidy for fleet. At the same time, I haven't seen it explicitly, but I would imagine that continuation of waiving any fuel excise tax—are those the four areas that you see that the industry as a whole is looking at? Am I missing anything, because we need to wrap our minds around the whole picture—

**Mr. Bruce Winchester:** It's all about tipping points, really. It's a new, novel fuel, and we're comparing an industry like diesel that has had 100 years to develop all of their supply chain. They know what they're doing.

We're not trying to reinvent that. We're trying to use as much of that as we can. The real challenge is that you go to a fuel company that has got a cardlock station and say to them, "Hey, why don't you put a natural gas compressor on there?" They say, "That would be great, but I don't have \$4 million or \$5 million upfront for investment." They will recoup that investment over time, no question. But to get those first few fleets out there, to get 400, 500 or 1,000 vehicles running up and down those heavy highways, and maybe if we want to get some vehicles in northern Ontario, we might have to build some locations in some out-of-the-way places, is going to require a little bit of money. But again, it has got to be a partnership between government and the industry. When I made a submission to the federal government, who I figured had a little bit more money than Ontario to spend on us and a broader reach—

**The Vice-Chair (Mr. Jack MacLaren):** Time.

**Mr. Bruce Winchester:** So we asked them to fund both the vehicles and the infrastructure to get over those tipping points.

**The Vice-Chair (Mr. Jack MacLaren):** Time. Thank you very much.

**Mr. Bruce Winchester:** I was trying to give them back their time. Sorry, Mr. Chair.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you very much.

#### ONTARIO TRUCKING ASSOCIATION

**The Vice-Chair (Mr. Jack MacLaren):** Our next presenter will be the Ontario Trucking Association, Lak Shooan.

Mr. Shooan, you have five minutes and can begin when you're ready.

**Mr. Lak Shooan:** Thank you. Good afternoon, and thank you for having me here today. My name is Lak Shooan, and I'm here on behalf of the Ontario Trucking Association and our membership to speak in support of the Natural Gas Superhighway Act.

The Ontario Trucking Association is one of the largest associations in all of North America. Our membership includes the largest publicly traded companies and also the smallest family-owned businesses. We represent all segments of the trucking industry, ranging from for-hire carriers, private carriers, intermodal and supplier members. We've been the voice of responsible trucking in Ontario since 1926.

The government of Ontario has identified the prevention of climate change as a major environmental and economic priority. It has announced its commitment to introducing measures to reduce greenhouse gas emissions, including the introduction of a carbon cap-and-trade system. The transportation sector has been identified as a major contributor to greenhouse gas emissions, accounting for 36% of the province's emissions in 2013. Heavy-duty diesel vehicles are responsible for more than 25% of these emissions, or roughly 7% of Ontario's total emissions.

#### 1400

The trucking industry's economic and environmental goals are more aligned with society's goals and the government's objectives than ever before. From a trucking perspective, the best way to reduce GHG emissions is through improved fuel economy. Fuel represents the second-leading component of operating costs, next to labour, for fleets. The industry has a natural incentive to increase fuel economy and, in doing so, reduce GHGs.

The trucking industry is going green, and that trend will continue to move forward in the future. Carriers have already invested billions of dollars in aerodynamic devices, such as fairings and side skirts, new tire technology and engine improvements to reduce GHG emissions. Investing in natural gas would be a logical progression in adopting less-carbon-intensive technologies.

In the short term, the greatest potential for a fuel transition in Ontario would be through class 6 to 8 trucks, employing engines operating on natural gas, due to engine availability and reliable technology. Electric vehicles and hybrid technology for heavy trucks will not be available in the near to medium terms, and there are no other truly viable alternatives to diesel in the industry other than natural gas.

There are a number of market barriers impeding the use of natural gas in the industry today, most of which revolve around the issue of risk. In order to create the impetus for fleets to shift towards natural gas, the risks associated with this shift need to be greatly minimized, making sense from both an economic and logistical standpoint. Barriers to entry into the natural gas market include the lack of distribution and refuelling infrastructure in Ontario, the higher cost of capital compared to

conventional diesel vehicles, and regulatory barriers, such as tank weight allowances.

Clearly, infrastructure development is crucial to the success of natural-gas-powered fleets in the province. A network of refuelling stations along the 400-series highways and parts of northern Ontario would need to be built in order to make regional and long-haul applications both logistically and economically viable. Developing strategic partnerships with the gas industry in order to assist in the building and planning associated with infrastructure would be very important.

The broader usage of natural gas and similar type technologies has been slowed by the incremental cost of purchase. For example, the purchase price of natural gas trucks to comparable diesel trucks would come with the additional cost of \$60,000. There is currently no incentive for carriers to take on the additional risk, with the current price of diesel being stable and the value of the Canadian dollar being where it is currently. Incentives to cover the spread between natural gas and diesel trucks would help de-risk the market and drive throughput into the industry.

The opportunity for Ontario to adopt these cutting-edge technologies is great. Some Western Climate Initiative members, including California, Quebec and British Columbia, have taken aggressive steps forward in promoting alternative fuel technology through various programs, tax incentives and grants.

From a regulatory standpoint, a weight exemption of up to 2,000 pounds to offset the increased weight of natural gas tanks would be required from a business perspective, to ensure carriers can make this technology viable without operating at significantly reduced costs. Without these changes, trucks are limited in their Canadian and cross-border operations.

In short, fleets in Ontario are ready to make investments which make economic sense, supported by strategic infrastructure and incentives to drive down the price of technology. The technology is tested and as reliable as ever before. It's available, more environmentally friendly than diesel, and proven to be successful in other jurisdictions across North America.

We are excited about the possibilities and the potential that natural gas could provide to our members, the trucking industry, and the pivotal role we will play in reducing road freight emissions in Ontario—

**The Vice-Chair (Mr. Jack MacLaren):** Time. Do you need much more?

**Mr. Lak Shoon:** Nope, just a little bit more.

**The Vice-Chair (Mr. Jack MacLaren):** Okay. Go ahead.

**Mr. Lak Shoon:** —providing a clean, cost-effective and reliable option to diesel.

I would like to thank the committee for their time this afternoon, and I look forward to your questions.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you. We'll have our first question from the NDP. Mr. Mantha.

**Mr. Michael Mantha:** Did you get through it all?

**Mr. Lak Shoon:** I did, thank you.

**Mr. Michael Mantha:** You're good? Great.

A simple question: Why the heck aren't we doing it in Ontario, then?

**Mr. Lak Shoon:** Fleets need the incentive to make the purchase of natural gas. Right now, the delta between a diesel engine and a natural gas engine is \$60,000. Fleets aren't going to take the risk in terms of putting that money up front. Diesel right now is something that has been traditional in the industry. It has been used for as long as the industry has been around. Moving from diesel to natural gas would be a change, but the biggest impediment would be the cost, the \$60,000 that is between the diesel engine and the natural gas engine.

**Mr. Michael Mantha:** You talked about other incentive programs in other jurisdictions such as, I believe, British Columbia. What do those look like?

**Mr. Lak Shoon:** In terms of British Columbia, I believe there is a big cover, up to 100% of the conversion costs for class 8 trucks. In Quebec, it's up to \$25,000 for class 8 trucks, as well. So those are two of some of the comparable programs in terms of natural gas.

**Mr. Michael Mantha:** The \$25,000 in Quebec is equivalent to what, as far as a ballpark percentage?

**Mr. Lak Shoon:** In terms of—sorry?

**Mr. Michael Mantha:** Versus the BC model of 100% coverage. That \$25,000: What is it the equivalent of in Quebec?

**Mr. Lak Shoon:** I wouldn't be entirely sure in terms of the actual numbers. I know that in Quebec, it is up to \$25,000 in terms of the coverage for class 8 trucks for natural gas.

**Mr. Michael Mantha:** You talked a little bit about regulatory barriers preventing you—or that those changes would need to happen in upcoming legislation. You talked about the weight of your specific vehicles and what they can carry. Can you help me out, just so I can understand that a little bit better?

**Mr. Lak Shoon:** Yes. The natural gas tanks are an additional 1,500 to 2,000 kilograms. That would come at the cost of additional payload, so it would affect the bottom line of carriers who are using natural gas technology. That would be a major impediment in terms of losing the cost per load on the carriers.

**Mr. Michael Mantha:** Again, pardon my ignorance. The additional weight on them is because of?

**Mr. Lak Shoon:** The extra weight of the tank itself and carrying the fuel.

**Mr. Michael Mantha:** Oh, okay. All right. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you. We'll move over to the Liberals. Ms. McMahon?

**Ms. Eleanor McMahon:** Thank you for coming.

**Mr. Lak Shoon:** Thank you.

**Ms. Eleanor McMahon:** This is very interesting. Has the industry done any economic impact studies? You've talked about the \$60,000 cost, and I'm thinking that on a fleet, for example, if you're a large operator—what you're trying to tell us is that that is a cost the industry is not eager to absorb.



So have you done any economic impact studies? Because I know that some of your members have invested in side skirts, for example, that are about \$3,000 a pop. I'm assuming that somewhere, someone has done an economic impact. Have you guys invested in that? Have you got a sense?

**Mr. Lak Shoan:** Currently, we haven't done a lot of economic impact studies in terms of the extra \$60,000 cost. Members are making a lot of investments into different green technologies such as side skirts and fairings.

But looking specifically at natural gas and how to cover that \$60,000 threshold, we haven't done a ton of research on that as of yet.

**Ms. Eleanor McMahon:** De-risking the purchase of technology: How do we help the industry do that in the context of trying to get you to use more environmentally sensible fuel choices? Because if it's not \$60,000—have you met with the manufacturers of engines, for example, and had a conversation on how you can lower costs?

**Mr. Lak Shoan:** In terms of the engine manufacturers, I can't speak specifically to that. In terms of our membership, the major issue would be the cost that's involved and the lack of infrastructure currently present in Ontario.

In terms of the infrastructure, it's my understanding that it can be built if we have the necessary throughput and the necessary volume of trucks that are on the road.

In terms of the carriers that we represent, definitely the cost delta, the infrastructure and the tank weight allowances would be the three major factors.

**Ms. Eleanor McMahon:** If you look at other jurisdictions around North America, given that most of your fleets travel internationally, I would assume, can you tell us about some places where this is happening and it's working?

**Mr. Lak Shoan:** I know that in California they have a fairly robust natural gas program and alternative fuel program. In Quebec, they also have a natural gas program that provides up to \$25,000 for class 8 trucks. There are also incentives in the state of New York offered for natural gas and other alternative fuel technologies. In terms of British Columbia, FortisBC has a very robust program there, as well. Those are some of the other jurisdictions that offer these types of programs in North America.

**Ms. Eleanor McMahon:** Thank you, Mr. Chair. I don't know if any of my colleagues—

**Mr. Granville Anderson:** I have a quick question along the same lines. If you haven't done a cost analysis, as you said—there's a big difference in price between natural gas and regular gasoline.

**Mr. Lak Shoan:** Correct.

**Mr. Granville Anderson:** Wouldn't you be able to recoup some of that cost by purchasing a natural gas vehicle versus a conventional vehicle? If so, how much of that cost—okay, if you want some kind of subsidy—

**The Vice-Chair (Mr. Jack MacLaren):** Time. Good question.

**Mr. Lak Shoan:** Saved by the bell, I think.

**Mr. Robert Bailey:** Do you want to answer that?

**Mr. Lak Shoan:** Sorry, if you would just finish off the question.

1410

**Mr. Granville Anderson:** I'm just saying that if you could say a figure, that \$20,000 versus \$60,000 would offset the differential over five years or whatever time frame; I don't know the life expectancy of a truck.

**Mr. Lak Shoan:** Yes, in terms of the life expectancy of the truck, another big issue is going to be writing off the truck and the depreciation. If people buy these engines in these trucks right now, there's little to no value because the market is not present for natural gas trucks. That would definitely be another issue that's going to be coming to the forefront. Taking a look at exactly that \$60,000 question would be another thing we'd have to investigate a little bit further on our end, I think.

**Mr. Robert Bailey:** Okay, I'll jump back in here now.

**The Vice-Chair (Mr. Jack MacLaren):** Mr. Bailey.

**Mr. Robert Bailey:** I was letting him finish there. I don't have a lot of questions. I've heard a number of them.

Other jurisdictions in Canada and the United States are much further ahead on converting to natural gas. Maybe you can just encapsulate some of the reasons for that. Was it the incentives? I heard you mention the incentives. And what do you think the major fears in your industry are about converting to natural gas—that the government might get cold feet down the road and back off? Would that be a concern in the industry? Do they need to see that the government is in this too, that they've got skin in the game, a favourite term that a lot of people use? Is that—

**Mr. Lak Shoan:** I think truckers in general are very risk-averse. They've been very traditional in the way they've been doing things for decades. I think that's the case for everyone I've really talked to. For them to make the leap going from diesel to natural gas, there really has to be a very strong business case. That business case definitely revolves around where the price of diesel is compared to natural gas and what the prices of these trucks are compared to regular diesel trucks.

**Mr. Robert Bailey:** Is my time up yet?

**The Vice-Chair (Mr. Jack MacLaren):** You've got another minute, Bob.

**Mr. Robert Bailey:** Okay. Anyway, I really appreciate you coming in today and talking about this. If you've got some things to close, I don't have any more questions. Is there something you'd like to say?

*Interjection.*

**Mr. Robert Bailey:** It looks like Daiene has one.

**Ms. Daiene Vernile:** I've got a question.

**Mr. Lak Shoan:** Sure.

**Ms. Daiene Vernile:** Forgive me if this seems obvious, but you represent 70,000 men and women who work in trucking. Is there great support for truckers to convert over to this kind of energy, or are they stuck in their ways?

**Mr. Lak Shoan:** For some of them, they are kind of stuck in their ways. I think the biggest thing is to make the business case. If you can make a business case that impacts your bottom line and they're going to be able to save a lot of money, they're definitely going to be all for it. If we can show them that moving to natural gas is going to be financially successful and is going to be better for their bottom line, they'll definitely see the business case for moving towards natural gas.

**Ms. Daiene Vernile:** But there is that amount that you have to pay up front, right, to make the conversion?

**Mr. Lak Shoan:** Correct.

**Mr. Robert Bailey:** I'm done, Mr. Chair.

**The Vice-Chair (Mr. Jack MacLaren):** Good question, Bob.

Thank you very much for your presentation.

**Mr. Lak Shoan:** Thank you.

#### CAT INC.

**The Vice-Chair (Mr. Jack MacLaren):** Our next presenter will be by teleconference call; he can't be with us. It is a man from CAT Inc. His name is Mr. Daniel Goyette and he's president of CAT.

Mr. Goyette, are you with us?

**Mr. Daniel Goyette:** Yes, I am.

**The Vice-Chair (Mr. Jack MacLaren):** Hello. My name is Jack MacLaren. I'm the Chair. The procedure here will be that you start with a five-minute presentation, and then we'll have three minutes for each of the three parties to ask questions of you. If you're ready, you can begin now.

**Mr. Daniel Goyette:** I am ready. Good afternoon, everybody. I'm sorry I cannot be there in person. I will do my best in making that through a conference call.

My name is Daniel Goyette. I'm the president of CAT. We are a transportation head office here in Quebec. We have terminals throughout Quebec, Ontario and the US. We run a fleet of 350 tractors. We run from Quebec and Ontario all the way down to Mexico, and also on the east coast all the way down to Florida. We're primarily in international transportation; the majority of what we do is OEM for original equipment for the automotive industry. We just transformed a third of our fleet into natural gas. I want to make it clear that it's compressed natural gas: CNG. All of these trucks were OEM-purchased, so it was all installed at the factory. It's an OEM product; it's not a retrofit product.

We have 40 of these trucks on the road right now, out of 100. They've all been delivered here in Quebec. We just started the process of putting them on the road starting January 1, and now we have 40 on the road. We did our evaluation for the last two years. The main thing we had done was to find the right partner in regard to the fueling station, in regard to the truck supply and maintenance, and the right package for the financing of the business because, as you all know, the natural gas after-market is not there, so we worry about being able to bring a company on the market—a company called

Ryder—but there are other companies out there that are prepared to do the same thing.

Currently, out of the 40 trucks that are running throughout North America, not one of them has run out of gas and not one of them has had any issue with the product itself. Actually, right now, all of our drivers that are in these trucks are telling us that if they had the option to go back to driving a diesel truck or to stay with natural gas, they would stay with the natural gas. So everything is really positive.

When it came time to buying these trucks, and you look at the grant—I heard the gentleman before me who said that in Quebec it's \$25,000. Actually, it's 30% of the extra cost for natural gas. So if the extra cost of buying a new truck is \$50,000, there's a \$15,000 grant that we have in Quebec. They're saying that they're going to increase that, but this is what we have today.

In the US, they do have a federal grant right now. It is applied at the pump. It doesn't get applied by the state; it's applied at the pump. Any station throughout the United States, every time we have a truck pump natural gas, we're getting 50 cents per gallon at the pump. So, basically, if the natural gas goes for \$1.50 per gallon, my supplier of natural gas will bill me \$1. So they already have that 50 cents, which is about 30% of the total cost right now for natural gas.

Another issue that a lot of people are talking about is the weight. The US already passed the 2,000-pound extra, so these trucks can run up to 82,000 pounds gross in the US. As you know, when you run international, the maximum weight in the US—with some exceptions like Michigan—is 80,000 pounds gross for the tractor-trailer and cargo. Now we can have 82,000 to offset that 2,000 pounds extra.

For us, because we are an international carrier, it doesn't bring any issue in Quebec and Ontario because with the same configuration of equipment we can have 88,000 pounds in Ontario or in Quebec with a five-axle tractor-trailer. So the weight for international movement is not a burden because it's already in place.

As you know also, in regard to weight, these engines that are available for class 8 trucks—and I'm only talking about class 8 because that's what we have—have been rated for 80,000 pounds. So if someone wants to have 88,000 pounds with these engines, these engines are not built for that. So, right now, this is the technology that exists on the Cummins 12-litre engine. I know there are other products there for retrofit, but we're not there yet.

Do I still have time?

**The Vice-Chair (Mr. Jack MacLaren):** You have 30 seconds.

**Mr. Daniel Goyette:** One question people brought in is, "What's the big fear?" The big fear actually is—in Quebec and Ontario right now, we don't have road tax on natural gas. Everybody says, "Wait. When we're all there, we're all going to be taxed." My answer to that is, "I don't have it now, so I'm going to live with that fear."

The other big thing is having more information for companies that want to go to natural gas, because I went



through this in three years. For someone who never touched it, it's a long way to get there. But with some help, they can understand the principles.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you, Mr. Goyette.

We will start with questions from the Liberal Party now. Who from the Liberals? Ms. Wong? No, Mr. Ballard.

**Mr. Chris Ballard:** Thank you very much for joining us by phone today. I appreciate you being here.

We've heard numerous times over the past couple of days that natural gas engines are often more expensive than their diesel counterparts. What did your company do to address those additional costs?

**Mr. Daniel Goyette:** When you buy a new truck with a natural gas engine, it's not more expensive. You have less exposure to the truck. You have less components around the engine. What is more expensive is the tank package. The tank package costs about \$50,000, but if you remove the tank package and you buy a brand new truck with a brand new engine, it's not more expensive.

1420

**Mr. Chris Ballard:** Okay. How did your company deal with that, then? Whether it be the engine or the tank package, the overall price, we're told, is higher.

**Mr. Daniel Goyette:** It is.

**Mr. Chris Ballard:** So how did your company deal with that in the trucks that you bought?

**Mr. Daniel Goyette:** When we did our ROI—yes, the truck we bought, we paid \$200,000 for it and a regular diesel truck was \$150,000, but we were able to spread out the amortization on the truck. The tank package had a 20-year value compared to the truck only having maybe a 10-year value. So we were able to stretch it out, but we do have an extra cost per month per truck. It's about \$1,000 per truck per month.

**Mr. Chris Ballard:** Okay. And that cost is made up because of the lower cost of fuel or maintenance?

**Mr. Daniel Goyette:** Yes. The lower cost of maintenance: I would say that we don't have enough expertise at this point to say it's going to be lower, but for now it doesn't look higher. So we use the maintenance as is, compared to diesel, and the difference is all about the cost of natural gas.

I have to tell you, I was pretty happy on December 23 when the US federal announced 50 cents a gallon because actually the natural gas, including the cost of the truck, was higher. With that 50 cents and what we pay in Quebec and Ontario right now, we're on the positive side, including the cost of the truck, but that's not putting in the infrastructure of our shop that we spent three quarters of a million dollars to upgrade, or the network. That's also including the grant that we have from Quebec.

**Mr. Chris Ballard:** So from your perspective, this is a good deal, provided the government doesn't come along and put an excise tax on fuel?

**Mr. Daniel Goyette:** Exactly.

**Mr. Chris Ballard:** Okay. I don't have any other questions. Do you?

**The Vice-Chair (Mr. Jack MacLaren):** There are only nine seconds.

**Mr. Chris Ballard:** It's only nine seconds—

*Interjections.*

**The Vice-Chair (Mr. Jack MacLaren):** So we go to Mr. Bailey.

**Mr. Robert Bailey:** Thank you, Mr. Goyette, for coming by teleconference today and testifying. I only have one question. We've heard so much today—it's getting confusing, all the numbers. A little different question for me: Have you received a positive response from your customers that you ship to when you tell them that your trucks are powered by either LNG or natural gas? Is that a positive for your customers that they're contributing in some small way to the environment?

**Mr. Daniel Goyette:** It is. Every time we talk to them, they're happy to hear that we're on natural gas—mainly on the US side; not in Canada. The Canadian customers that we have are still evaluating the positive side of that. We don't get paid more because we have natural gas. We may have more recognition, but again I'm only in there since the last three months.

**Mr. Robert Bailey:** Yes. Okay. When you finally made that decision—I think you said you moved to this position over three years. What was the initial or key reason that you started to switch a third of your fleet—I think I wrote down "a third of your fleet"—to natural gas or CNG? Was it just somewhere you thought the market was going and you wanted to be there? I suppose it was a combination of things—cost. Could you tell us a little on that?

**Mr. Daniel Goyette:** When we did the ROI on the trucks and oil was \$80 to \$100 a barrel, it made sense for us to go. Everybody didn't want to go because of the chicken and the egg. There were no stations, so nobody was buying trucks; nobody buys trucks because there's no stations. That's why we had to go with 100 trucks and at least having the two stations in our main corridor, one in Montreal and one in Toronto. The station that Emterra has on their site: That's part of our partnership with them. So now we have the corridor covered between Quebec City all the way to Detroit, and then the US is not an issue.

So when we looked at the whole network and we went to 100 trucks and having the grant from Quebec, and we were paying, at the time in the US, \$4 a gallon for diesel and we look at the gas, it was like half the price. The other thing about natural gas compared to diesel is that when you look at the cost of natural gas, only 20% of that cost is the gas. The rest is all transportation. So when people say, "The gas would go up like diesel," gas may go up, but it will never go up like diesel. Diesel will follow the barrel, but it represents only 20% of your total cost. The total cost that I have—we have a 10-year guarantee from our supplier that that's not going to change.

The biggest thing is the original investment. The infrastructure for us is good. Can it improve? Yes, we can build more. But I'm talking for CAT. At CAT, we have it 100% covered and we don't have any issues.

**The Vice-Chair (Mr. Jack MacLaren):** Time's up.

**Mr. Robert Bailey:** Okay. Thank you, Mr. Goyette.

**The Vice-Chair (Mr. Jack MacLaren):** The next question will be with Mr. Mantha of the NDP.

**Mr. Michael Mantha:** Bonjour, monsieur Goyette. Comment ça va?

**Mr. Daniel Goyette:** Ça va très bien, et vous-même?

**Mr. Michael Mantha:** Moi, ça va extrêmement bien. Je veux vous souhaiter une belle Semaine de la Francophonie.

**Mr. Daniel Goyette:** Merci beaucoup.

**Mr. Michael Mantha:** Il va falloir que je retourne en anglais parce que mes collègues sont en train de me regarder comme des chevreuils pris dans les lumières d'un transport.

**Mr. Daniel Goyette:** Oui.

**Mr. Robert Bailey:** What did he say?

**Mr. Michael Mantha:** I just wanted to ask you: You talked about certain individuals or companies having a fear of jumping towards natural gas. Can you elaborate a little bit more on what that fear is?

**Mr. Daniel Goyette:** Right now, in Quebec and Ontario, the provincial tax on natural gas is totally different than on diesel. The fear is, when we all are going to move to natural gas, everybody will bring that tax in, so we're going to have tax. If I go to the US side, in some states, I have no tax, and in other states, I have tax. So it's not taxed the same way all across, but in Quebec and Ontario—I don't know the other provinces because we don't go to other provinces. But one of the fears is—anyway, that's what people were telling me. We decided to go because it's the early bird, and we didn't have a fear.

**Mr. Michael Mantha:** You talked about your price margins, particularly on the 10-year guarantee that you have on gas at the present moment. If we were to add a tax on that gas and you would compare the gas versus diesel, how close would your margins be?

**Mr. Daniel Goyette:** Right now, as we speak, if you look at the costs of natural gas compared to diesel—I have a chart. Everything is per mile for us. We have about a 10-cent-per-mile difference on natural gas cheaper than diesel. If I bring that in per gallon, I don't have the number, but it will be an increase.

**Mr. Michael Mantha:** It would be an increase. Okay. C'est bon pour moi. Merci beaucoup, monsieur Goyette, d'avoir participé aujourd'hui.

**Mr. Daniel Goyette:** Plaisir.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you, Mr. Goyette.

**Mr. Daniel Goyette:** You're welcome.

#### AGILITY FUEL SYSTEMS

**The Vice-Chair (Mr. Jack MacLaren):** Our next presenter will be Agility Fuel Systems: Steve Whaley. Mr. Whaley, you have five minutes. You can begin when you're ready.

**Mr. Steve Whaley:** Good afternoon. I'm feeling very responsible because, from all the discussions today, the

two biggest topics are the additional incremental cost of running on natural gas, and most of that is with our equipment that goes on these trucks, and the other is, we are the ones who add the weight to these vehicles to do so. So I have my Kevlar vest on and I'm getting ready to go.

Agility Fuel Systems is the largest supplier of natural gas storage and delivery systems for heavy-duty trucks in North America. With over 30,000 systems installed on private and government fleet vehicles, Agility users currently log over 1.8 million miles per yield burning clean, low-cost, domestically produced natural gas. We have six facilities across North America, including our engineering with research development here in Canada.

We recently opened a North Carolina facility in October of last year to keep up with customer demand. This facility boasts over 200,000 square feet of the industry's most state-of-the-art manufacturing technology capable of producing 12,000 fuel systems per year. We are providing the lightest, highest capacity per inch of vehicle space and the fastest-filling fuel systems the industry has to offer. Although we manufacture both CNG and LNG systems, 85% of what we produce is CNG, and that percentage is growing. Through our engineering resources, we can supply configurations behind the cab and alongside the frame rails. These engineering solutions can accommodate ranges from 17-diesel-gallon equivalent up to 280 DGE.

At Agility, we take safety as a priority and we test our systems beyond all regulatory mandates, with additional bonfire testing that demonstrates cylinder release of compressed gas in a controlled fashion. We utilize side-impact collision studies to ensure that not only the cylinders are safe, but all of the components. We've recently completed a one-million-mile over-the-road test at an independent testing facility to ensure that all mounting brackets, cabinets and structural components withstand the most demanding driving environments and last as long as, if not longer than, the vehicle chassis.

Agility doesn't act alone in providing clean, less costly transportation solutions to vehicle fleets.

#### 1430

Our strategic partnership, such as our exclusive relationship with Cummins, whom you've already heard from earlier this month, maximizes our ability to provide the best service experience for fleet customers. We're in the process of training Cummins distributor technicians across the US and Canada to service Agility Fuel Systems and also stock Agility replacement parts. This important partnership between Agility and Cummins is significant to fleets because it will expedite a vehicle's return to service. In the first eight months of our partnership, we've already completed training at 31 facilities.

Agility's product line of fuel system has been developed to accommodate the most diesel-like experience for fleets, but without the higher cost of fuel, adverse environmental impact and the louder noise. For example, our 160-diesel-gallon equivalent behind-the-cab system, with an integrated fuel management module,



takes up only 35.5 inches of frame rail space, but provides well over 600 miles of range, with the fastest fuel-filling capability the industry has to offer.

This same system can also be configured with two side-mount cylinders to allow for additional fuel storage, providing ranges well over 1,000 miles between fuel stops. This capability does come with the cost of additional weight compared to diesel.

In an effort to not discourage the trucking industry from moving to natural gas, the US has passed a 2,000-pound weight allowance for heavy-duty trucks. Individual states are now proposing and voting on adopting this in their respective states. Six states, to date, have already passed this, with 13 more on the books.

The transportation industry exhibited great success and the full adoption of natural gas in the bus and refuse markets. The over-the-road market is emerging, with companies like Anheuser-Busch and Fiat Chrysler starting implementation this past year with hundreds of tractors, while companies like some of our customers, UPS and Frito-Lay, grow their fleets of natural gas to the thousands.

In closing, natural gas provides the transportation industry with the greatest amount of positive environmental impact in the shortest amount of time, with the highest return on investment. The passing of Bill 76 sends an important message to natural gas station providers, chassis OEMs, engine manufacturers, fuel system manufacturers, parts suppliers and fuel providers: that the government views natural gas as a major solution towards a sustainable and cleaner future for its citizens.

Thank you. I'm ready for your questions.

**The Vice-Chair (Mr. Jack MacLaren):** Our first question will be with the Progressive Conservative Party. Mr. Bailey?

**Mr. Robert Bailey:** It'll come around to me that fast? Thank you.

We've heard so much today. I heard you talk about the behind-the-cab fuel facility, and then I'm picturing two side mounts, I guess, as additional—

**Mr. Steve Whaley:** Much like the diesel environment, yes, the side-mount system.

**Mr. Robert Bailey:** Okay, I see.

Do you have any local suppliers yet in Ontario that are using your system or are you basically more in the United States?

**Mr. Steve Whaley:** We have a great deal of what's going on in the United States, but it's growing into Canada, yes.

**Mr. Robert Bailey:** So whatever we could do, if we were to try to move this along, you would see opportunities. I don't think we're talking about convergence much but actual outright new purchases—

**Mr. Steve Whaley:** Yes.

**Mr. Robert Bailey:** That was always what I had in mind with my bill. It wasn't converting fleets. It was actually—which would lead to employment because they would be making new trucks on the assembly lines and adding these fuel tanks.

**Mr. Steve Whaley:** That's where we're at.

**Mr. Robert Bailey:** Yes, that's my understanding.

I have a question here: It says, is Ontario behind California when it comes to natural gas? I guess we know it is.

If Ontario is going to partner—and you don't live in Canada, I guess, because I see you're based in North Carolina.

**Mr. Steve Whaley:** Yes, sir.

**Mr. Robert Bailey:** It's kind of unfair to ask you, but if we're going to partner with California and Quebec for this carbon thing we're moving towards, this would be a big step, in some way, to move towards helping our fleets convert to LNG and CNG in Ontario, right? Would that be fair to say?

**Mr. Steve Whaley:** Yes, very much so. I've been involved with all kinds of incentive programs throughout the States on a state-by-state level as well as regional level, and most of those start at about a 50% incremental cost-incentive program, up to 80% and 100%.

**Mr. Robert Bailey:** Of the difference in the price between diesel—

**Mr. Steve Whaley:** Yes.

**Mr. Robert Bailey:** Yes, I think we've heard everything from 30% in Quebec to—someone mentioned the number 25,000, in British Columbia or somewhere.

I don't have anything more. If you've got something you would like to say on my time—do I have a little?

**The Vice-Chair (Mr. Jack MacLaren):** There's one minute.

**Mr. Robert Bailey:** One minute. Is there something you would like to sum up?

**Mr. Steve Whaley:** I'm just ready for the questions.

**Mr. Robert Bailey:** Okay.

**Mr. Steve Whaley:** That return on investment one that came up a little bit earlier is a great one. If you just do some of the numbers with a dollar disparity between a gallon equivalent of compressed natural gas and diesel, it gives you, with a truck running about 20,000 gallons a year, about a three-year payback time. That's where your return on investment is. If you have a seven-, eight- or 10-year vehicle life, then you've got the majority of it where you're going to be making money off of it.

**Mr. Robert Bailey:** That's good. No one has used that number today.

**Mr. Steve Whaley:** Those are just averages right now.

**Mr. Robert Bailey:** That's good. Okay. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Our next question will be with Mr. Mantha, of the NDP.

**Mr. Michael Mantha:** Having been part of the greater discussions and seeing this to fruition in other jurisdictions, and actually participating in those discussions and moving the issue forward, this is where we are in Ontario right now. This is the beginning of a discussion. Where do we need to go to move this in an aggressive way, but also in a prudent way?

**Mr. Steve Whaley:** What you have in Bill 76 is a great start. From what I've heard, the incentives on the federal level are another great start.

I know the last presenter, who was doing this remotely, was talking about that 50-cents-per-gallon tax incentive that the states have on a federal level. That has been huge. Once those come out—it's an incentive program to get people to jump on board. When they know that they can build that factor in over the portion of time, whether it's a year, two years or three years out, that's a huge risk mitigation from this capital expenditure going into it.

**Mr. Michael Mantha:** Being part of what has brought you up to where you are now, I'm almost positive that you're looking at what the next one is. Because eventually, maybe, global pressures are going to be putting pressure on the gas industry, which is going to force you to look to other avenues. Do you have any idea of what those other avenues might look like?

**Mr. Steve Whaley:** As far as other fuels?

**Mr. Michael Mantha:** As far as other sources, yes.

**Mr. Steve Whaley:** We are looking at hydrogen. The economics aren't there right now for making that happen. We are in the fuel system business. Right now, the compressed natural gas and LNG is where it's at.

**Mr. Michael Mantha:** Okay. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Now to the Liberals. Who would have the question? Ms. Vernile?

**Ms. Daiene Vernile:** Thank you very much for coming and speaking to us today. From your perspective, I imagine we sound like we have the accent. Since we're in government here, I'm going to say that you're the one with the accent.

**Mr. Steve Whaley:** Even though I grew up in Alaska—

**Ms. Daiene Vernile:** Is that right?

**Mr. Steve Whaley:** —so I have some claiming rights of being up north—I've been in South Carolina far too long now.

**Ms. Daiene Vernile:** I'm very interested in hearing about your rules and regulations there. How is this governed in the States?

**Mr. Steve Whaley:** As far as what I've heard before—a commercial driver's licence: any difference? No. Insurance: any difference? No.

There is some training that goes on. "Hey, this is a different nozzle at the pump to fill up with." But it's the same card interface that people are used to using. LNG is a little bit more complex than CNG when it comes to that refuelling part of it, but folks learn this very quickly.

**Ms. Daiene Vernile:** Is there a push and an impetus in the States and support for you to switch over?

**Mr. Steve Whaley:** Yes, there's quite a bit. I just came from the state of Tennessee, where there was an unheard-of incentive for five counties that were in EPA nonattainment for their emissions. They spent \$14 million in five counties to switch those vehicles over from diesel to natural gas.

**Ms. Daiene Vernile:** Okay. And elsewhere in the States?

**Mr. Steve Whaley:** Pennsylvania and New York. Pennsylvania has been great for infrastructure. They have

another 30 stations that have been incentivized to be built in this next coming year.

**AFIG—I** just came from a Pennsylvania meeting that was describing the \$6 million that is allotted for this coming year, where they'll do 50% of the incremental cost of switching to natural gas as well.

**Ms. Daiene Vernile:** So there is that money you have to put up front, but ultimately, you're going to see a savings in the end.

**Mr. Steve Whaley:** Yes.

**Ms. Daiene Vernile:** Okay. I thank you very much.

**Mr. Steve Whaley:** You're welcome.

**Mr. Granville Anderson:** Is there any time left?

**The Vice-Chair (Mr. Jack MacLaren):** Mr. Anderson, one minute.

**Mr. Granville Anderson:** Mr. Whaley, thank you for being here.

**Mr. Steve Whaley:** My pleasure.

**Mr. Granville Anderson:** Question: In terms of fuel system, you mean it's the tank you're talking about?

**Mr. Steve Whaley:** Yes.

**Mr. Granville Anderson:** Okay. What's the life expectancy of a tank? I heard it's something like 20 years.

**Mr. Steve Whaley:** It is. The cylinders are rated for either 15—but most of them are 20-year lifespan cylinders. At the end of that lifespan, they do need to be discarded, yes.

**Mr. Granville Anderson:** Okay. Can they transfer from one vehicle to the next?

**Mr. Steve Whaley:** Yes.

**Mr. Granville Anderson:** Okay. Thank you.

**Mr. Steve Whaley:** You're welcome.

**The Vice-Chair (Mr. Jack MacLaren):** All right. Thank you, Mr. Whaley, for your presentation.

**Mr. Steve Whaley:** You're welcome. Thank you.

1440

## CANADIAN URBAN TRANSIT RESEARCH AND INNOVATION CONSORTIUM

**The Vice-Chair (Mr. Jack MacLaren):** Our next presenter will be the Canadian Urban Transit Research and Innovation Consortium: Josipa Petrunic, executive director and CEO. You have five minutes and can begin when you're ready.

**Dr. Josipa Petrunic:** Thank you very much. I think we distributed the presentation files on jump drives. Being in the innovation landscape, I don't deal in paper anymore, so hopefully that works out well for you. It gives you a little bit of background information about the organization itself.

Very quickly, a lot of the colleagues here over the past two sessions have probably talked to you descriptively about what is in existence today and what is possible as integrated technology in fleets. What I'm going to talk to you about is, if we were to start creating an ecosystem in natural gas technologies, what could be the case in the future, and what kinds of jobs and GHG emission reductions could come from that through R&D.



Just to focus, there are two items that I'm going to be talking about. One is the environmental and technological opportunities. I'm sure you've heard a lot about this, but very specifically, of course, CNG is a replacement of diesel propulsion. Also, looking in the R&D landscape, natural gas is a potential hybridization technology—hybridized power trains, where you have natural gas combustion, potentially on a battery-electric or fuel-cell-electric propulsion system. Thirdly, you're looking at potentially making Ontario a test bed for RNG, LNG and CNG research, development and demonstration.

Those are the real environmental and technological benefits. It is very difficult in any sector of the economy, technologically, to create a test bed that is globally relevant unless you have a cluster of actual capacity on the road. That's where I would see this bill in particular starting to create that cluster.

In terms of the technological challenges, there are many, and some of my colleagues behind me may need to put their fingers in their ears right now, as I'm going to outline some of those challenges.

Some of them are, obviously, well-to-wheel analyses that is cropping up, whether it's battery-electric, fuel-cell-electric or compressed natural gas, and CUTRIC works in all three areas in terms of R&D. Well-to-wheel analyses are cropping up, and there is increasing microscopic analysis of where it comes from to where it goes, through the combustion cycle.

There is the constant issue of fugitive emissions, or leakage. These are issues that are not absolute stops to the usage of natural gas; in fact, they are great opportunities.

Through a bill like Bill 76, if you're starting to create an ecosystem where fleets, including both truck and transit, are adopting natural gas technologies, you're creating the platform for really advanced R&D that tries to solve these problems.

We're certainly not alone in Canada. There are loads of companies and fleets out there facing these problems. It has been articulated to me in a few ways by our industry and academic stakeholders as potentially compressed natural gas's, or natural gas's, Volkswagen moment.

If we want to be able to integrate these technologies and gain the GHG reductions and gain the kinds of benefits economically that have been well articulated by my colleagues, we also need to be ahead of the curve technologically, to recognize that we need to be addressing these issues through RD&D initiatives. This bill would start to create that ecosystem in Ontario.

Lastly, I'm just going to summarize some of the areas where our industry and academic stakeholders have said, "Listen, we have shovel-ready projects. If we had the right kind of co-financing and the right kind of ecosystem in place, we could launch projects in this space right now in Ontario." The areas are things like monitoring and tracking real-world emissions, getting out of mathematical modelling and simulations and into real-world emissions. We have loads of different variable analyses

as to how many GHGs you're going to save, but a lot of that is based on assumptions embedded in mathematical models. Once you scale up to actual fleets, you have a really great opportunity to put Canada on the map in terms of leading the world in real-world analyses of emissions.

Second, we have the opportunity to create real-time tracking tools for on-board and fuelling site installations. This includes artificially intelligent control systems, so you can take personnel out of controlling the fuelling systems and optimize them in a way that hasn't been done so far.

Thirdly, the areas that we're looking at are things like developing advanced catalyzers and real-world on-board emissions monitoring systems. These are things that fleets require. They ideally require them in compressed natural gas, liquefied natural gas and, in the future, renewable natural gas.

The fourth large area of RD&D that comes out of this is, if we had an ecosystem established, or at least initiated, by virtue of a bill like this—which I would deem to be the very first step in this RD&D ecosystem development pathway—then the next step for Ontario is starting to develop the renewable natural gas landscape. That only really gets initiated once you have a substantive, descriptive integration of natural gas products on the road in the province.

That's where I would see the bill creating an opportunity—it's sort of a little wedge in the door—but the opportunity for RD&D opens up enormously. These are products, services and intellectual property that are needed the world over, in particular if we're truly going to realize the benefits of GHG emission reductions through the integration of these technologies.

That's where I'll leave it. It's a very high-level summary for you, but ultimately, it's suggesting that there's a lot of work to be done in natural gas innovation, and this starts us on the pathway to saying that Ontario could be the globally leading test bed for that.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you. Our first question will be with Mr. Mantha of the NDP.

**Mr. Michael Mantha:** Do that again. Holy jeez.

**Dr. Josipa Petronic:** Sorry; I talk quickly normally.

**Mr. Michael Mantha:** That was just a blast of information. My goodness.

**Dr. Josipa Petronic:** I'm a fast talker.

**Mr. Michael Mantha:** Wow. You talked about clusters and how those clusters must look like, because if we're going to go in this direction there are other facets that will have to come in in order to support this industry. Can you elaborate on what those clusters would look like? You talked about some of the research and development that might come out of further providing opportunities for our upcoming university and college institutions. You talked about industry as far as the role that they would play with it. Can you give me a sense of what you would do, what you're envisioning?

**Dr. Josipa Petronic:** The types of clusters that we build anyhow through CUTRIC are industry-academic



collaborations, so you're looking at industry members saying, "Listen, we have a problem. We need to solve it. We need to externalize the research and development because we might not be able to afford to do it all internally."

We have a number of projects that have come through CUTRIC in the last year focused on natural gas innovation, where it's an industry member saying they want to work with an academic partner in Ontario or in British Columbia, to design, develop and advance natural gas propulsion technologies or monitoring systems.

As an example, some of the universities that really specialize in this—SFU; University of Victoria; UOIT has some capacity; Waterloo has a little bit of capacity; University of Quebec in Trois-Rivières—so you actually have national capacity in the academic world for monitoring methane emissions, for looking at leakage in the fuelling tanks, for improving the materials out of which the tanks are actually made, for improving and optimizing even the nozzling systems, and for really creating and designing from scratch what a renewable natural gas generation and transportation pipeline network will look like. How do you get it out of the landfill, upgrade it and inject it into a transit vehicle? That has to be designed essentially from scratch. Those are the types of projects that we would be supporting that we would look to see initiated in Ontario.

**Mr. Michael Mantha:** You mentioned leakage, and that just raises a big red flag with me. What do you mean by "leakage"?

**Dr. Josipa Petronic:** I'm going to use the word really generally because, depending on what aspect of the technology, whether it's on-board or off-board you're talking about, in different industries we use different jargon, so I'm just going to use the word "leakage" in general to refer to leaked natural gas in any one of its forms where it doesn't go towards the intended endpoint, which is propulsion. That might mean in the fuelling tank because of the actual materials out of which it is made. It might mean that at the moment of transfer into the fuelling tank there are some emissions. It might mean in the combustion on board the vehicle.

Natural gas is a really clean source of propulsion fuel, on the assumption that none of it leaks or dissipates. It is by definition a gas, and when it does leak and dissipate—let's just use the example of methane. Various numbers are that it is 18 to 20 times more polluting as a GHG gas than CO<sub>2</sub> itself. So if we really want to get to the usage of natural gas as a super-clean fuel, which we can do, we need to be ahead of the curve in recognizing that these issues around leakage do exist. They're real. Manufacturers articulate them. Academics are well aware of them. Better than waiting for some third party—

**The Vice-Chair (Mr. Jack MacLaren):** Time.

**Dr. Josipa Petronic:** —to put a microscope to it, let's just explore and develop those projects now.

**Mr. Michael Mantha:** Thanks.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you. Now I'll come to the Liberals: Ms. Vernile.

**Ms. Daiene Vernile:** Thank you. My kids tell me that it's not that they're talking too quickly; it's that I'm listening too slowly. I'm very familiar with fast talk.

Talk to us, if you will, about success stories that we see in Canada. Where do you see an urban fleet using natural gas that works well and you think can be modelled elsewhere?

**Dr. Josipa Petronic:** One of the leading examples in Ontario right now—and I'll preface this by saying that there have been a lot of variable experiences in the past. I'll speak to transit because a lot of my colleagues have spoken to trucking. Hamilton is really one of the leading stakeholders right now. It's a great transit system that is full of a lot of champions around advanced technology.

Where Hamilton, I think, stands out is that they considered natural gas in the past, stepped away from it to consider electrification, and have come back through the hybrid experience to natural gas. They're keeping a really open mind by saying, "Listen, we need to monitor real-world emissions and propulsion output and operational cost reductions to decide if, in three years, we made the right choice."

I would hold up Hamilton as an example of very good, thorough technological analysis and operational cost analysis. They're constantly querying whether the technology is going to work in the way that they think it will work. I would hold it up as a good example of integrating the technology based on operational cost reductions and GHG reductions.

Having said that, they will self-admit—I'm not sure if they presented in the last sessions, but they will admit that they are really concerned because there's not a clear answer for the co-location of the fuelling stations. In an ideal world, if I had a magic wand, we would locate a fuelling station that could serve an 18-wheeler, a heavy-duty lorry, a transit van, a passenger vehicle and a transit bus. Designing that takes some planning; that's a research and development project. But that hasn't been fully figured out, so where Hamilton is right now is as a cutting-edge transit system actively trying to figure that out.

1450

**Ms. Daiene Vernile:** What do you think is preventing other communities from doing the same?

**Dr. Josipa Petronic:** Other transit systems, you mean?

**Ms. Daiene Vernile:** Yes.

**Dr. Josipa Petronic:** The very same challenges that prevent them from adopting electric buses and fuel cell buses. In part, it's unfamiliarity with the technology.

With regard to natural gas technology, it's worse. In fact, I would say there's a harder challenge. At least with battery electric and fuel cell electric, a lot of it's quite new, so the lack of familiarity is just by virtue of the fact that there really aren't these vehicles elsewhere. In the case of natural gas, there were some negative experiences in the 1990s, and those stuck around. There, I would say that it's analogous to hybrid bus experiences, where people expected to get a certain amount of emissions



reduction and a certain amount of fuel economy, and the first generation of those vehicles did not perform at that level. To put it bluntly, that left a bad taste in the mouths of a lot of transit systems. Transit systems, by nature, are hugely conservative—small-c conservative—in terms of adoption and new technology. They don't have R&D budgets, and that makes sense.

For Hamilton to really take a bite out of it and to say, "Listen, we had that experience, and it wasn't great. We're coming back around, recognizing where technology has come"—this is quite innovative, but it's not what the majority of transit systems are in a position to do. They'll be looking at Hamilton to see how it plays out.

**Ms. Daiene Vernile:** So they have to be a little more liberal, if you will, in order to do that. Thank you.

**The Vice-Chair (Mr. Jack MacLaren):** Bob?

**Mr. Robert Bailey:** I'll be honest: You brought up some ideas I hadn't thought of when I drafted this bill, when you got talking about research and how this could be used once the clusters are developed.

I want to put a plug in for Sarnia-Lambton. We've got the University of Western Ontario research park there, and I know they're looking at all kinds of research into biotechnology, and I'm thinking this would be ideal for down there. I'm going to put a plug in down there to contact you.

When we talked about how we want to set an example and we want to sell our technology here, everybody is always talking about trips to China, trips to India, all these trips. This technology would be a great example, if we did the clusters, did the research here, if we want to sell our products and our technology to China, India, the third world, southeast Asia, wherever. Would that be a great example where Ontario could lead? Speak to that, if you could.

**Dr. Josipa Petrunic:** There are two items, I'll say, and they're quite divergent. Your earlier point, on the technology piece, and how this is maybe opening up new opportunities: I'd like to remind people that frequently there's a stake drawn in the ground, and it's sort of electricity versus fuel cell versus compressed natural gas, as though these are divergent and never shall the twain coexist. In reality, there's a lot of really great optimization opportunities around these hybridized propulsion systems. You need to optimize compressed natural gas systems to be able to even consider those opportunities. That's where I would say some new opportunities around

powertrain technology may emerge. But for that to emerge, we actually have to have the ecosystem on the road in Ontario for academics to even start to look at.

The second point is, how can we create a test bed? It is extremely difficult to design and develop and even conceive of advanced monitoring systems for real-world data acquisition optimization when, in your backyard, there are few, or relatively few, fleets using the propulsion fuel. That is a problem in other sectors of propulsion, as well. If this bill were to open the door and allow for more fleets to adopt this technology, it would almost immediately create the capacity for southern Ontario universities to start looking at these systems, applying to NSERC for funding in those systems, and start hiring and developing the highly qualified personnel that is required, as engineers, to create an ecosystem in the future. That's jobs and intellectual property.

**Mr. Robert Bailey:** To be honest, I never thought of that one, but you've opened up a whole new idea to me and I think it's something that we really should look at. We could reduce our greenhouse gas emissions, which we want to do; we could save industry, through transportation, on the fuel costs; we could provide jobs, as we're building these trucks and motors. So everybody wins in this. Once we create that cluster, and these trucks or vehicles are on the road, then we can start marketing that technology, through the universities—to maybe market our technology, our expertise here in Ontario, around the world. Is that, in a nutshell, what you're saying?

**Dr. Josipa Petrunic:** Yes, that's precisely how an ecosystem is built. Let's just be honest about it: This is the reality of how you create jobs in a new, cutting-edge technological field. These innovative projects around leakage monitoring, optimization of powertrain, fuelling system location have to happen. So the question is, are we going to support them happening in Ontario? Because they'll just happen somewhere else, and that means that the jobs will be somewhere else. That's the question that I would put to you, looking into the future.

**The Vice-Chair (Mr. Jack MacLaren):** Thank you, Ms. Petrunic, for your presentation.

That's the close of today's meeting. Our next meeting will be on Wednesday, April 6, 2016, to talk about Bill 111, An Act to amend the Energy Consumer Protection Act, 2010 to eliminate fixed rate electricity contracts between retailers and consumers.

Meeting adjourned.

*The committee adjourned at 1455.*

## CONTENTS

Wednesday 23 March 2016

Natural Gas Superhighway Act, 2016, Bill 76, Mr. Bailey / Loi de 2016 sur l'autoroute du gaz naturel, projet de loi 76, M. Bailey.....	M-231
Enbridge Gas Distribution Inc.....	M-231
Ms. Malini Giridhar	
Envoy Energy.....	M-233
Mr. James Ro	
UPS Canada .....	M-236
Ms. Cristina Falcone	
Canadian Natural Gas Vehicle Alliance.....	M-238
Mr. Bruce Winchester	
Ontario Trucking Association.....	M-241
Mr. Lak Shoan	
CAT Inc.....	M-244
Mr. Daniel Goyette	
Agility Fuel Systems.....	M-246
Mr. Steve Whaley	
Canadian Urban Transit Research and Innovation Consortium .....	M-248
Dr. Josipa Petrunic	

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### Chair / Président

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### Vice-Chair / Vice-Président

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Chris Ballard (Newmarket–Aurora L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### Substitutions / Membres remplaçants

Mr. Robert Bailey (Sarnia–Lambton PC)

Ms. Daiene Vernile (Kitchener Centre / Kitchener-Centre L)

#### Also taking part / Autres participants et participantes

Mr. Steve Clark (Leeds–Grenville PC)

#### Clerk / Greffier

Mr. Trevor Day

#### Staff / Personnel

Ms. Erin Fowler, research officer,  
Research Services



M-24



M-24

ISSN 1180-436X

## **Legislative Assembly of Ontario**

First Session, 41<sup>st</sup> Parliament

## **Assemblée législative de l'Ontario**

Première session, 41<sup>e</sup> législature

# **Official Report of Debates (Hansard)**

Wednesday 6 April 2016

# **Journal des débats (Hansard)**

Mercredi 6 avril 2016

## **Standing Committee on the Legislative Assembly**

Ending Predatory Electricity  
Retailing Act, 2016

## **Comité permanent de l'Assemblée législative**

Loi de 2016 sur l'élimination  
des prix abusifs dans la vente  
au détail d'électricité

Chair: Monte McNaughton  
Clerk: Trevor Day

Président : Monte McNaughton  
Greffier : Trevor Day



### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 6 April 2016

Mercredi 6 avril 2016

*The committee met at 1304 in committee room 1.*ENDING PREDATORY ELECTRICITY  
RETAILING ACT, 2016LOI DE 2016 SUR L'ÉLIMINATION  
DES PRIX ABUSIFS DANS LA VENTE  
AU DÉTAIL D'ÉLECTRICITÉ

Consideration of the following bill:

Bill 111, An Act to amend the Energy Consumer Protection Act, 2010 to eliminate fixed rate electricity contracts between retailers and consumers / Projet de loi 111, Loi modifiant la Loi de 2010 sur la protection des consommateurs d'énergie pour éliminer les contrats de fourniture d'électricité à tarif fixe entre détaillants et consommateurs.

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone, and welcome to the Standing Committee on the Legislative Assembly. We're here to discuss Bill 111, An Act to amend the Energy Consumer Protection Act, 2010 to eliminate fixed rate electricity contracts between retailers and consumers.

## JUST ENERGY

**The Chair (Mr. Monte McNaughton):** First up will be Just Energy. You're going to have five minutes for your presentation and three minutes of questioning from each party, starting with the official opposition. If you could just state your names for Hansard before you begin.

**Mr. Jonah Davids:** Sure. Should we start?

**The Chair (Mr. Monte McNaughton):** Yes.

**Mr. Jonah Davids:** Jonah Davis from Just Energy.

**Ms. Nola Ruzyski:** Nola Ruzyski from Just Energy.

**Mr. Jonah Davids:** Good afternoon, committee. I am the executive vice-president and general counsel of Just Energy. Nola, who just introduced herself, is the vice-president of regulatory affairs.

Just Energy is a provider of energy solutions to residential and commercial customers through fixed, variable and flat bill electricity and natural gas products; green energy products, such as renewable energy certificates and carbon offsets; as well as innovative energy management tools, such as the Ecobee smart thermostat, Pulse energy adviser app and solar products for residential customers. Just Energy operates in 20 jurisdictions across Canada, the United States and the United Kingdom.

We provide reliable and innovative energy solutions to hundreds of thousands of customers in Ontario alone. Just Energy employs over 1,200 people, over 700 of whom are employed in 11 offices across Ontario, including over 150 IT personnel. Just Energy is also partial owner of Ecobee Inc., a smart thermostat developer, headquartered here in Toronto.

We believe in the value presented by our company, our innovative energy solution products, such as our unlimited plan and maintaining compliance to strict regulatory measures placed upon energy retailers. For this reason we are strongly opposed to Bill 111. Prohibiting fixed-rate electricity contracts in Ontario would limit consumer choice and would stifle conservation and energy efficiency products and services.

Furthermore, the necessity of Bill 111 under the guise of consumer protection is misleading due to the recent passage of Bill 112. As you know, Bill 112 addresses the issue of at-home sales that may sometimes be accompanied by aggressive sales tactics in the industry, and it has created provisions for the elimination of such practices. Therefore, all contracts entered into will be initiated at the outset by the consumer making his or her own choice in his or her own time, either on the Internet or in person in public spaces. By removing fixed-rate electricity contracts, the government would be suggesting that consumers do not know how to make their own independent and non-pressure-driven choices.

We wish to highlight the fact that the current ECPA extends the cancellation-without-penalty window for electricity contracts to 30 days from the date of the first bill, a policy that Just Energy has had in place in all of its 20 markets for years prior to the implementation of the ECPA. Additionally, retailers are currently required to provide consumers with a price comparison form which sets out the consumer's current utility rate and approximate total bill versus the retailer rate and approximate total bill. Just Energy is of the view that the provisions of the ECPA allow consumers the opportunity to assess electricity retail contract value against their own energy consumption practices in their own time.

**Ms. Nola Ruzyski:** Consumers benefit from well-designed, competitive markets. Competition promotes innovation, job creation, efficiency and diverse investments by companies integral to increasing consumer choice and expanding value-added services such as providing energy management tools for Ontario electricity

consumers. We have witnessed this first-hand in many neighbouring markets, particularly in the United States and Europe.

Focus should be on the uncompetitive nature of electricity price structure in Ontario and the difference in the presentation of and manner of calculating the global adjustment. Consumer electricity bills were a focus during the Innovative Research Group's consultation conducted as part of the OEB's ECPA review. That's the Energy Consumer Protection Act review. IRG's report highlighted that consumers felt that (1) electricity bills are too complicated; and (2) utility companies should highlight the global adjustment separately on their bills.

Instead of focusing on fixed-priced contracts, Just Energy recommends that utilities be mandated to display the global adjustment separately from supply rates on non-retailer billing. By separating the global adjustment on all bills, consumers will be better equipped to determine what energy products offer value.

**Mr. Jonah Davids:** Just Energy is committed to supporting Ontario's goal of enhanced consumer protection and believes that the Bill 112 legislation and subsequent regulations will meet this goal, while continuing to allow consumers to choose the best products to meet their needs. Bill 111 does nothing to further these goals and, in effect, will end a consumer's option to choose the energy solution that best suits their needs.

1310

Thank you for your time and attention this afternoon. We welcome any questions you may have.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We'll move to the official opposition: Mr. Yakabuski.

**Mr. John Yakabuski:** Thank you very much, Jonah and Nola, for joining us today.

It's not so long ago we were here talking about Bill 112. I think there was certainly some success with regard to the government's willingness to move some amendments on that bill.

But this bill here, essentially, would eliminate electricity retail contracts completely. You said you have 700 employees here in Ontario; 1,200 total and 700 here in Ontario. Is that correct?

**Mr. Jonah Davids:** That is correct.

**Mr. John Yakabuski:** How many people would likely be out of a job if we eliminated a significant portion of your business?

**Mr. Jonah Davids:** I think that certainly it would affect our sales force, which would be a few hundred people. As well, we would, as a company, have to take a really hard look at whether Ontario is the market where we see future innovation and where we want to grow our business. I would think it would impact future hires as well, and potentially—our US headquarters is in Houston—move bodies to Houston, away from Ontario.

**Mr. John Yakabuski:** Over the years there have been significant changes in the electricity contract sector. Many of the changes were initiated by the sector itself; some were initiated by government; but together I think a

lot of positive things have happened. Would you be able to quantify—because, years ago, there was a big hullabaloo about unscrupulous door-to-door representatives in this sector. I know we had a lot of complaints as a result of it. We've seen those complaints drop significantly. Have you seen that same thing happen directly at your own offices with respect to consumer complaints with regard to these contracts?

**Mr. Jonah Davids:** Absolutely. Nola, you may have closer numbers on the percentages, but we've seen a significant drop in consumer complaints, particularly since the introduction of the ECPA. When it came in, I guess in 2011, we've seen a significant drop and we've been happy to push forward with that.

**Mr. John Yakabuski:** You're proposing that the global adjustment would be clearly delineated on all electricity bills. Currently, if you're a customer of Hydro One, there's no—you have your bill. But if I have a contract with Just Energy, my global adjustment is clearly shown on that bill each and every month; correct?

**Mr. Jonah Davids:** That is correct.

**Mr. John Yakabuski:** Whereas, in the government-owned—still mostly government-owned—utility in the province of Ontario, there is no delineation on that bill about what the actual global adjustment is for each month. It's simply worked into the price.

**Mr. Jonah Davids:** That is correct. There's no transparency. We've had discussions with the OEB on this. It's still very much a black box as to how it's calculated and how it's incorporated into a customer's bill.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We're going to move to the third party: Ms. Campbell.

**Ms. Sarah Campbell:** Thank you for joining us today.

Consumers are signing with private electricity retailers in the belief that future higher prices can be avoided, but the contracts are usually just for the cost of power only, as has been mentioned, and do not protect against increases in delivery, regulatory, global adjustment or other non-energy charges.

At the time that I had introduced this bill, the Ontario Energy Board had just released a report that found that consumers who had signed a five-year fixed-rate contract were paying 82% more for their electricity than they would have if they stayed with their local utility. The OEB could not find a single contract that saved people money. Have any customers of Just Energy ever saved money in the course of their contract?

**Ms. Nola Ruzycki:** Absolutely, customers have saved with our products. One of the other things is that, maybe, if they haven't saved, they are at the same price as the utility. It's not simply a savings on price; it's peace of mind that they know what their price is for the term of the contract.

**Mr. Jonah Davids:** I would add that a fixed-rate contract is not put in place necessarily to save money. In fact, we would always advise customers that we don't guarantee that they're going to save money. The point of a fixed-rate contract is that the customer there feels com-



fort that a portion of their bill is at a fixed rate, much like a fixed-rate mortgage. I would be surprised if you could find me someone who's in a fixed-rate mortgage who saved money over the past five years versus the variable rate that they could have been on, but we're not talking about getting rid of fixed-rate mortgages. People see value in understanding what they're going to be paying each month, or at least, in the context of an energy contract, of a portion of that.

**Ms. Sarah Campbell:** If people are signing up and it's not to save money and it's just for peace of mind and they're not saving money, are there any other reasons that people would be signing up for these fixed-rate electricity contracts?

**Ms. Nola Ruzyczki:** I think that, as with a mortgage, people sign up for different reasons. Maybe their thought is that the market rate is going to increase and they want to have that peace of mind that they know what they're paying for their commodity. Or if people are home during the day, they want to have a product that they know what they're paying for their rate during the day.

**Ms. Sarah Campbell:** The government has made a number of changes over the years. They've made changes to how contracts can be solicited, the identification that's required by solicitors, and the requirement of information provided to potential customers that would include some side-by-side comparisons. Despite these changes, though, the Ontario Energy Board continues to report that unfair practices are being employed. Not only are salespeople misrepresenting themselves, but contracts aren't being executed with the account holder, renewals are being done without permission, consumer cancellation—all these issues.

**The Chair (Mr. Monte McNaughton):** Sorry, we're out of time. We're going to move now to the government and Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much for being here today. We're very appreciative to have you come and speak to this bill. We appreciate your time enormously.

We were having some discussions before coming into this room with my colleague from Durham, who has a fixed contract and was letting us know about how much he appreciates having that because it does allow him to budget, and—

**Mr. John Yakabuski:** Would you mind just moving the microphone a little bit?

**Ms. Sophie Kiwala:** Sorry. Yes. Is that better?

**Mr. John Yakabuski:** Yes.

**Ms. Sophie Kiwala:** There certainly are many reasons for people wanting to have fixed contracts like that. Probably people in lower-income brackets would be very appreciative of having that. Many aspects of this bill seem to have been addressed already in Bill 112, which is something that we dealt with in General Government not so long ago, which passed in December 2015.

My question to you is, how has Just Energy responded or is planning to respond to the consumer protection efforts recently passed through this legislation?

**Mr. Jonah Davids:** Just Energy has always supported the consumer protection efforts of the government, and has worked closely with the OEB. As we've indicated here and in the Bill 112 discussions, many of the consumer protections that were put in place with the Energy Consumer Protection Act and then subsequently with Bill 112 were already practices that Just Energy did across the board. Other than door-to-door solicitation, we plan on having business as usual in the way that we conduct our business and in compliance with the regulations and the consumer protections that are already there.

**Ms. Sophie Kiwala:** That's excellent. Considering that you have 1,200 employees with 700 in Ontario, it's of significant concern that some of the changes proposed might have an impact there.

What do you hear through your consumer researcher from customers about energy contract options? Which ones are most popular?

**Mr. Jonah Davids:** Sure. It's probably a better question for my VP of marketing, who has done this, but in discussions with him—we've done study groups and such. Customers—it depends; there's a gamble—

**The Chair (Mr. Monte McNaughton):** Thank you very much. I'm sorry to cut you off. We're under orders by the House. That's all the time we have today.

**Mr. Jonah Davids:** Okay.

1320

## SUMMITT ENERGY

**The Chair (Mr. Monte McNaughton):** We'll now call Summitt Energy. Great. Thank you very much. As you heard with the last presenter, you'll have five minutes. The questioning will start with the third party. If you could just please introduce yourselves for Hansard.

**Mr. Jeff Donnelly:** Sure. Thank you, Chair. My name is Jeff Donnelly. I'm director of regulatory affairs and compliance for Summitt Energy. On behalf of Summitt Energy, I just want to thank you for this opportunity to share some of its positions in regard to Bill 111.

Summitt Energy is a provider of energy choice options for residential and commercial customers. We offer fully hedged electricity and natural gas products, including green energy components such as renewable energy certificates and carbon offsets.

In the province of Ontario, Summitt Energy provides tens of thousands of customers a variety of energy plans, including flat-rate, fixed-rate, green, and LED light bulb energy-saving options. Summitt Energy employs over 200 people in six Ontario-based offices. Summitt Energy's objectives are contributing to Ontario's economic success and improving consumer education, protection and consumer choice.

Summitt Energy supports the government's efforts to improve consumer protection. Summitt Energy has already been actively involved in the discussions surrounding Bill 112 and its subsequent passing.

Bill 111 is proposing to amend section 9 of and to add part II.1 to the Energy Consumer Protection Act to ban



fixed-rate electricity contracts. It's Summitt Energy's understanding that Bill 111 is to address public concerns relating to residential door-to-door sales.

The elimination of residential door-to-door sales under Bill 112 has effectively addressed the concerns contained in Bill 111, as a supplier will no longer be able to negotiate a contract with a consumer in person at the consumer's home. The enactment of Bill 112 will only allow consumers to enter into retail electricity contracts on their own initiative.

Eliminating fixed-rate electricity contracts will take away consumer choice and the ability of consumers to protect themselves against rising electricity costs, if they choose to do so. Consumers who have contacted a retail supplier on their own initiative have researched their options and have made a conscientious decision to enter into a fixed-rate electricity contract as a matter of choice, whether it be for price certainty or long-term budget planning.

Summitt Energy believes that it's in the best interests of consumers, government and the industry to work collaboratively in an effort to enhance consumer protection. The combined effort by the industry and the government in the passing of Bill 112 has ensured that the interests of consumers are adequately protected. Bill 111 does not add any additional benefit to consumers but rather restricts their ability to choose a product that they have determined to be beneficial to them.

Thank you very much for giving me an opportunity to speak this afternoon.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We'll move to Ms. Campbell.

**Ms. Sarah Campbell:** Much along some of the similar questions I was asking before, have you found that any customers with your company have ever saved any money over the duration of their fixed-rate electricity contract, comparing all factors, everything from delivery, regulatory global adjustment charges, and comparing that with a Hydro One bill?

**Mr. Jeff Donnelly:** Actually, it wouldn't be a fair comparison, because unfortunately we have no ability to regulate any of the distribution or transmission charges. We're only allowed to supply the customer with the supply rate. In order to do a fair apples-to-apples comparison, I can only answer that question specifically in relation to the supply rate. So if you're asking me whether customers on a fixed-rate product offering, whether it be a flat-rate product or a fixed-rate offering at any given period of time of Summitt Energy's business in Ontario have saved money, the answer is yes.

**Ms. Sarah Campbell:** But in terms of what a customer who would look at their pocket at the end of, say, five years, if they would have added up what their bills would have been with Hydro One or their local utility versus what their bills would have been with Summitt, you're saying that there are people who would have saved money?

**Mr. Jeff Donnelly:** There are people who would have saved money on the supply rate, which is the only rate

that we can supply to consumers under the government's regulations.

**Ms. Sarah Campbell:** Okay. As I was also trying to ask last time before I got cut off, the government has made a number of changes a number of times to how contracts can be solicited, the identification that's required by solicitors, and the requirement of information to provide an apples-to-apples comparison so people can make informed decision-making. What they've found is, despite the long history of these changes, consumers are still feeling ripped off by these contracts. My question is: What assurances can you give that this will ever change without an outright ban of private fixed-rate contracts for residential customers?

**Mr. Jeff Donnelly:** Summitt Energy is of the position that Bill 112 adequately addresses any of your concerns.

**Ms. Sarah Campbell:** It "adequately addresses." Going forward, the previous presenter said that it will be business as usual, except the salespeople will not be out on the doorstep. But we will no longer see issues with consumer cancellation and with customers not accepting renewals. Will all of these things magically stop under Bill 112?

**Mr. Noble Chummar:** I can answer that question. Hi. My name is Noble Chummar. I'm counsel to Summit Energy. Thank you for this opportunity.

Summit Energy's position—I can't really speak on behalf of the entire industry, but when Bill 112 was introduced, it wasn't exactly a welcome piece of legislation. But that being said, having worked with the government and having worked with all parties, the industry essentially accepted the provisions in Bill 112. To reiterate my colleague's—

**The Chair (Mr. Monte McNaughton):** Thank you very much. I apologize.

We have to move to the government: Mr. Anderson.

**Mr. Granville Anderson:** Thank you for being here this afternoon. You're talking about supply rates. Your contracts clearly specify that only the supply rate is fixed, correct?

**Mr. Jeff Donnelly:** That's correct.

**Mr. Granville Anderson:** Right. As my colleague alluded to, I am a customer with fixed billing. I have fixed billing for my electricity bill and also for my gas bill. My neighbour said to me once that gas rates go down. So I was still stuck, but I said, "If it went up, that's a protection I have." As long as it's a clear contract and you understand what you signed, then it benefits that.

In my community, I have a lot of seniors, and they have fixed incomes. This also guarantees a fixed monthly payment for them, so it goes beyond that.

Also, it's choice. It also provides choice. As long as the contract is fair and somebody understands it and it's well articulated that what they're signing is fairly done, I support that. I have no problem with that. The protection for consumers is there through Bill 112.

If you care to comment, could you please elaborate a bit on that for me?



**Mr. Noble Chummar:** Thank you, Mr. Anderson. One of the main concepts of consumer protection is to protect the person who is purchasing any product. We're not talking about average consumers; we're talking about homeowners. These are people who own very expensive, big buildings, small buildings, townhouses, whatever.

The freedom to enter into contracts is exactly as you have articulated it. It gives them the choice and the expectation of what their monthly fees will be.

**Mr. Granville Anderson:** I don't know how many customers you serve, but in my community, when I saw this earlier, I phoned a few neighbours and a few friends, and most of them, surprisingly, have fixed contracts and they find that very beneficial to them.

I haven't really heard much negativity about that. We have stopped the door-to-door where people could be coerced or forced into signing things they don't understand. Do you agree with our position that Bill 112 amply protects the consumer?

**Mr. Jeff Donnelly:** Yes, we do.

**Mr. Granville Anderson:** I have no further questions.

**The Chair (Mr. Monte McNaughton):** Great. You're right on time. Thank you very much for that.

We'll now move to the official opposition: Mr. Yakabuski.

**Mr. John Yakabuski:** Thank you very much for joining us today on Bill 111.

A couple of questions just for clarification, so that we have these on the record: Does Summitt Energy offer guarantees to a consumer that they will save money if they sign a fixed-rate contract?

**Mr. Jeff Donnelly:** No, we don't.

**Mr. John Yakabuski:** No guarantees?

**Mr. Jeff Donnelly:** No guarantees.

**Mr. John Yakabuski:** We know the maelstrom around the industry years ago, when clearly there were some practices that were questionable and maybe involved improper training or rogue agents or whatever. The industry itself has certainly cleaned up.

Is there a very, very significantly different training program for sales forces today?

**Mr. Jeff Donnelly:** It's significantly different. With the enactment of the Energy Consumer Protection Act and revisions that have been made over the years, the training, certification and compliance oversight have significantly changed from when the industry began years ago.

With the passing of Bill 112, that has further enhanced consumer protection because we have now essentially

eliminated the ability for suppliers to sign contracts at the door with consumers, therefore eliminating any of those "rogue agents," as you may call them, or issues that may arise as a result of an agent maybe putting some undue pressure on a consumer at the door.

**Mr. John Yakabuski:** So at the end of the day, with the cooling-off periods and everything, are you satisfied that, with the changes in Bill 112, when a consumer makes that final determination and they are prepared to sign a fixed-rate contract with you or one of the other suppliers in this sector, that they have done so freely of their own choice and their volition, and they have made the choice that they believe, for whatever the multitude of reasons for signing a contract, that this is in their best interest?

**Mr. Jeff Donnelly:** Yes.

**Mr. John Yakabuski:** They have done it freely, on their free choice.

**Mr. Jeff Donnelly:** Freely on their own accord, on their own initiative.

**Mr. John Yakabuski:** Very good. One other question, on the global adjustment: We heard from Just Energy earlier that they would like to see that clearly indicated on all electricity bills. Do you share the same view at Summitt Energy?

**Mr. Jeff Donnelly:** We definitely share the same view. The lack of transparency on the global adjustment charge has been a historical issue in the energy industry. It essentially has been the underlying driver to a majority of the complaints, at least in Summitt Energy's position, over the years. The fact that the global adjustment is essentially buried within the default rate of the service provider and has to be pulled out on a separate line item when an individual goes with a retailer causes huge confusion and misunderstanding to the general public.

**Mr. John Yakabuski:** Thank you very much. I have no further questions, and we are probably pretty close to time. Thank you very much for joining us today, sir.

**The Chair (Mr. Monte McNaughton):** Thank you very much.

**Mr. Jeff Donnelly:** Thank you.

**The Chair (Mr. Monte McNaughton):** Just to let the committee know, we set aside two days for committee hearings and we had two presenters, so we won't be meeting next week, but I will likely be in touch with the subcommittee to figure out next steps for this committee. Thank you very much.

*The committee adjourned at 1332.*

## CONTENTS

Wednesday 6 April 2016

Ending Predatory Electricity Retailing Act, 2016, Bill 111, Ms. Campbell / Loi de 2016 sur l'élimination des prix abusifs dans la vente au détail d'électricité, projet de loi 111, Mme Campbell .....	M-253
Just Energy .....	M-253
Mr. Jonah Davids	
Ms. Nola Ruzycski	
Summitt Energy .....	M-255
Mr. Jeff Donnelly	
Mr. Noble Chummar	

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### Chair / Président

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### Vice-Chair / Vice-Président

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Granville Anderson (Durham L)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Mr. Jack MacLaren (Carleton–Mississippi Mills PC)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### Substitutions / Membres remplaçants

Ms. Sarah Campbell (Kenora–Rainy River ND)

Mr. Arthur Potts (Beaches–East York L)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

#### Clerk / Greffier

Mr. Trevor Day

#### Staff / Personnel

Mr. Jeff Parker, research officer,  
Research Services



M-25



M-25

ISSN 1180-436X

## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 20 April 2016

Standing Committee on  
the Legislative Assembly

Organization

# Journal des débats (Hansard)

Mercredi 20 avril 2016

Comité permanent de  
l'Assemblée législative

Organisation



Chair: Monte McNaughton  
Clerk: Trevor Day

Président : Monte McNaughton  
Greffier : Trevor Day

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 20 April 2016

Mercredi 20 avril 2016

*The committee met at 1301 in committee room 1.*

**The Chair (Mr. Monte McNaughton):** Welcome, everyone, to the Standing Committee on the Legislative Assembly. Everyone has their agenda in front of them.

## ELECTION OF VICE-CHAIR

**The Chair (Mr. Monte McNaughton):** We're going to deal with the election of the Vice-Chair. It's my duty to entertain a motion for Vice-Chair. Are there any motions? Mr. Bailey.

**Mr. Robert Bailey:** Mr. Chair, I'd like to nominate Mr. Steve Clark as Vice-Chair of the committee.

**The Chair (Mr. Monte McNaughton):** A motion has been moved by Mr. Bailey. Is there any debate? Shall the motion carry? Carried.

Welcome, Mr. Clark. Congratulations on being Vice-Chair.

**Mr. Steve Clark:** Thank you, Chair. It's a great honour. Thank you, sir.

## COMMITTEE BUSINESS

**The Chair (Mr. Monte McNaughton):** I'd now like to move to the second item on the agenda, and it's organization and discussion on Bill 100 and what the committee's views are on how we should deal with that.

I'll move first to Ms. Wong.

**Ms. Soo Wong:** Thank you very much, Mr. Chair. I move:

(1) That the committee meet during its regularly scheduled times on Wednesday, May 4, 2016, and Wednesday, May 11, 2016, for the purpose of public hearings.

(2) That the Clerk of the Committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website, and on Canada NewsWire.

(3) That the deadline for requests to appear be 4 p.m. on Wednesday, April 27, 2016.

(4) That the Clerk of the Committee provide a list of all interested persons to the subcommittee following the deadline for requests.

(5) That each subcommittee member or delegate provide their selections of witnesses based on the list of interested persons received from the Clerk of the Committee by 12 noon on Friday, April 29, 2016.

(6) That all witnesses be offered 10 minutes for presentation, and three minutes for questioning by committee

members on a rotation by caucus for a total of nine minutes.

(7) That the deadline for written submissions be 6 p.m. on Wednesday, May 11, 2016.

(8) That amendments to Bill 100 be filed with the Clerk of the Committee by 12 noon on Friday, May 13, 2016.

(9) That the committee meet for clause-by-clause consideration of Bill 100 on Wednesday, May 18, 2016, and Wednesday, June 1, 2016.

**The Chair (Mr. Monte McNaughton):** We have a motion by Ms. Wong. Any debate on that motion? Mr. Miller.

**Mr. Paul Miller:** Yes. In your submission, I don't see any travel. I don't see any northern communities that are going to be visited by the committee. What's the status on that?

**The Clerk of the Committee (Mr. Trevor Day):** I'm sorry, Mr. Miller. Could you repeat that?

**Mr. Paul Miller:** I'll repeat it. I don't see on this submission anything about any travel or any northern communities that are going to be visited, like Sudbury, Thunder Bay or Timmins. This looks like it's all local.

**The Chair (Mr. Monte McNaughton):** Ms. Wong.

**Ms. Soo Wong:** Mr. Chair, through you to the member, I believe that there's going to be a discussion by your House leader on this whole issue of travelling.

Don't look at me funny.

With regard to the discussion, you know the House leaders decide, in terms of—don't look at me funny.

**Mr. Paul Miller:** What do you mean, look at you funny?

**Ms. Soo Wong:** It's true. Yes, you do.

**The Chair (Mr. Monte McNaughton):** Hold on, hold on.

**Ms. Soo Wong:** Stop looking at me funny.

**Mr. Paul Miller:** I'm squinting.

**The Chair (Mr. Monte McNaughton):** All right. We're going to move to Mr. Clark.

**Mr. Paul Miller:** I can't even do body expression now.

**The Chair (Mr. Monte McNaughton):** Order.

Mr. Clark.

**Mr. Steve Clark:** I just want to express, like my colleague, the same disappointment with the government for having invoked closure on this bill in the House, yet it appears again that this government hasn't done their due diligence prior to a motion being tabled by this com-

mittee. It seems to be the pattern of this government, when it comes to the Standing Committee on the Legislative Assembly, that they're flying by the seat of their pants.

This is a bill that has caused frustration and confusion throughout the province of Ontario, in all corners. Trails in my riding and in many other ridings have been closed because of this government's reluctance to actually speak directly in the communities that are affected by this bill.

To offer up a motion that only has two days of hearings in Toronto, to me, is unacceptable and an insult to anyone who has put their name on the record regarding wanting to be heard on Bill 100.

**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Clark. Mr. Miller?

**Mr. Paul Miller:** Yes. I was a little confused by the presentation by MPP Wong when she said that the House leaders—the House leaders don't decide. The committee decides what the agenda is. We can't put this through and then wait, maybe, for a House leaders' decision down the road that may not agree with what we've suggested here. The decision is made here on how it's handled with the public, not by the House leaders. That's number one.

Number two, we were under the assumption that there would be some travel involved and you would be hitting the northern communities. I can speak for my own community. We have the Bruce Trail and we have the waterfront trail in Hamilton, and that's about it. But if you go up north, they've got hundreds of trails, thousands of trails. They feel that they're playing an integral part of this decision, and they don't feel represented and they don't feel like they've had their say.

We would expect that this committee would go to at least two locations in the north, to allow people to come in to that centre to voice their opinions on a very important bill which involves tourism, economic development committees in their areas, private landowners and snowmobile clubs. It involves all of these types of people that use this all year round, not just in the wintertime. They use it for fishing; they use it for off-road vehicles. They use it for all kinds of different things, even during the summer. It's an all-year-round usage of these trails, which require different aspects to be dealt with by the individuals who have these clubs, or by the municipality or the landowner.

Just to have a two-day hearing in Toronto is a bit of a joke, to be honest with you. They, frankly, don't want people in downtown Toronto making decisions for them about what happens in North Bay or Sudbury because they can't even get a handle on it, because they may not have even been there. They may not have traveled that far north.

This is unacceptable in its present form. What we would like to see, from our party, is at least two visits to the north, to Thunder Bay, maybe Sudbury, Timmins—one of those—to at least allow the areas to get involved.

Now, if you're talking Orillia, Barrie, those types of things, yes, they can come to Toronto. It's reasonable to expect them to come to Toronto to make submissions.

But a lot of these people up there won't be able to come to Toronto to make submissions on those two days. They're preparing for their season. They're working. They're preparing their trails. They're preparing for what they have to do.

So I cannot vote for this motion in its present form unless you do some housekeeping and change it—bottom line.

**The Chair (Mr. Monte McNaughton):** Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you, Mr. Chair. This bill has been debated and has been discussed, and we've been meeting with stakeholders and having consultations since 2005. There have been numerous meetings. There have been numerous stakeholders, including the Bruce Trail, Ontario Trails and snowmobiler associations, who have come in to Queen's Park and have been present for the debate in the House.

The feedback that I've received has been very supportive from these stakeholders. My understanding as well is that travelling the bill is not something that is decided here, but it is something that is decided—and perhaps this could be clarified—by House leaders. Is it possible we could get that clarified?

**The Clerk of the Committee (Mr. Trevor Day):** The committee is in charge of its own agenda. However, in order for this committee to meet outside of the two hours on Wednesday, it will require authority from the House. In order for this committee to meet outside of regular meeting days—in, say, a constit week—it will require the authority of the House.

**The Chair (Mr. Monte McNaughton):** We move to Ms. Wong.

**Ms. Soo Wong:** Thank you very much, Mr. Chair. I'm just going to remind everybody that we all sit on a lot of committees. Individuals across Ontario have a right to teleconference into the committee when we have public hearings. We've seen it done before in other committees.

1310

I listened very attentively when there was debate on Bill 100. The critic for the official opposition, Mr. Hillier, supported it. Mr. Hillier actually supported the bill. There was also some tweaking that he didn't mention about the landowners and what have you. He did mention some piece about them here.

We also heard, Mr. Miller, that you also supported the bill, and I know you said it, because we recognize the fact that this is a year-round industry. We totally agree with you. We also recognize that this is tourism and economic development, and there's a piece about landowners, as well. Having said that, we have reached out, and you heard, from my colleague the member for Kingston and the Islands, the fact that the ministry has consulted.

With regard to the two visits outside the House, it is always the House leaders making that decision, and we need the House's permission before we can step out, as the Clerk has indicated. Thank you, Mr. Chair.

**The Chair (Mr. Monte McNaughton):** Ms. McMahon.



**Ms. Eleanor McMahon:** Thank you, Mr. Chair. As my colleagues opposites will know, I spent about seven years of my life leading a province-wide cycling organization, navigating the province and talking about trails and working with significant organizations, like the Ontario Trails Council, the Waterfront Regeneration Trust and the leading cycling tourism organizations in Ontario, to design, build, construct, sign and develop trails across this province.

I perhaps have the privilege of knowing a little bit more about this subject than the members opposite, so I'm very glad that we're having this conversation, Mr. Chair. I'm glad to see the support for trails from the members opposite, but I would like to just remind all members in this context about a few things.

The organizations that I'm still in touch with and I still navigate—in fact, we were at the Ontario Bike Summit this morning—want us to move on this legislation quickly. The stakeholders have had their say, and they are anxious for our government to continue this work because, as everyone knows, undertaking infrastructure projects and, especially, trail work is often a complex process. They want to get going, okay?

I am not hearing from any of the colleagues who I talk to on this file on a regular basis—and believe me, I do—that they are clamouring for us to then go out and take more time. They know that this consultation has been under way for many years; they want to see us proceed with this legislation; they are pleased, actually, with the pace and rate of progress. I would like us to do the responsible thing and get on with what we were put here to do, which is enact this important piece of legislation that has had almost 10 years of consultation.

Mr. Chair, that is my window on this. I hope that that is helpful. Again, I'm someone who is pleased to see the interest and concern on the trails issue. I know the member opposite, Mr. Clark, for example, is a vibrant supporter of cycling in his own community, as is Mr. Bailey. He was one before I got elected. Mr. Miller is new to me. Certainly, Mr. Mantha is the co-chair of the All-Party Cycling Caucus with me.

So again, let's get moving, let's get on with it and let's implement what we were sent here to do. Thank you, Mr. Chair.

**The Chair (Mr. Monte McNaughton):** Thanks, Ms. McMahon.

Mr. Mantha.

**Mr. Michael Mantha:** On that note, I have the utmost respect for my friend across the way, Ms. McMahon—

**Ms. Eleanor McMahon:** I know. We might disagree, but that's okay.

**Mr. Michael Mantha:** No, it's not a matter of disagreeing; it's a matter of the process of how we're going to be going with this. I truly appreciate the fact that you have been extensively engaged in this process for a very long time.

The concern that I'm hearing from constituents in my particular area, and even across northern Ontario, is the economic impact that this potentially might have on

those communities. However much time it takes us to go through the process of actually getting delegations, they're coming in in order to clarify a lot of the uncertainties in the definitions of what's in this act. That's going to be really key to making sure that those trails remain open and that landowners are going to be satisfied with the proposed legislation that is being put in place.

If we don't take our time in doing that, the potential for this piece of legislation is that it will devastate tourism and economic development in many, many communities across my riding. I've had the barriers and the flags that have been set up, and individuals want to have their say.

Now, I was frustrated—and I have to share this with the Chair—because I wasn't provided with the opportunity to speak about this on behalf of my constituents in the House, because the debate was closed. There was closure that was put; it was rushed through the House. Yes, there was a lot of consultation that was done, but that consultation was done with individuals that are within that circle. Let's not kid ourselves: We're within a bubble when we're over here at Queen's Park. The individuals and the people that we deal with, which are our stakeholders who are close to this—yes, we have been consulting with those individuals, but once the legislation came out, individual landowners were actually told that this is how this could be interpreted or this is how this potentially could affect you.

They only became aware of this just recently, and when I say “recently,” within the last year. So they've been preparing themselves with their legal counsel and getting their views—the history that has been made on this. Whether they're wrong or right in the situation, I believe that's our role and that's our job, when we can go out and actually consult with these communities and these groups so that we can explain to them, “This is what we're trying to do. This is what we're trying to say.”

In this particular piece of legislation, the act basically says that the minister will be able to designate a trail at his discretion. Well, I think I have a definition of what that means; you might have a definition of what that means, but others as well. We need to respect what that means. Is it going to hinder them? Is it going to take away my right as a landowner? What does a volunteer agreement for a trail to cross your land mean?

We need to make sure that this is done right—and I need to stress this—so that there is no negative impact on the good relations that are there between the various trail users—with the Ski-Doo operators, with the ATV operators, with the bike operators. We need to make sure that we're doing this right, so that the interpretation and how this is going to affect those individuals is done right and that we are actually doing it as was always the practice: An individual who has land—the land will be accessible, which will always be and which always has been, in writing, through a volunteer process, and that nothing will be imposed on them.

That's the point that we really need to stress and why we need to go out and engage with others, not with the



stakeholders that we've had within this bubble within the last five or 10 years. It's the others, who have only become part of this process because they perceive that there is going to be a threat on their club, on their land, on their leisure activities and on their opportunities for tourism or economic development.

**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Mantha. Mr. Miller?

**Mr. Paul Miller:** In reference to the comment that an individual voted for it, I most certainly did. I know that we need to make changes. I know we have to solidify the trails system in Ontario and make every user and owner comfortable with what's going on and get rid of the red tape. I'm well aware of that.

But with all due respect, that's what you do at committee. You don't rush it through because one group thinks that they've talked to their circle and that's okay and we'll move ahead with it. When you do have a committee, the committee does make recommendations to the House. Yes, the House leaders will have to make the final decision as to whether there's travel or not; I didn't say that. But they don't make the recommendations to the House leaders; we do, as a committee. The whole purpose of a committee is to make everyone feel part of the process, and the whole purpose of having people come down here and make presentations is that they're comfortable with the legislation that's going forward.

If you cut out certain areas of Ontario, especially the ones that use it the most, and they feel they don't have their say—in reference to the member from Burlington, yes, maybe it has been going on for 10 years, but if you're going to do it, do it right the first time. I do remember a lot of bills coming back to the House from Liberals for new amendments in the last couple of years to fix things they missed, didn't do it right. We want to do it right, so we're saying, if it takes another month or two to get it right—10 years means nothing to me, if you're going to get it right in that couple of months, in comparison.

So I would suggest that time-allocating these types of things is not a good thing, and to rush it through committee is not a good thing, and I think you're doing a disservice to the people of Ontario with what you're doing.

**The Chair (Mr. Monte McNaughton):** Mr. Miller, thank you. Mr. Bailey?

**Mr. Robert Bailey:** Chair, I'd just like it on the record that I too voted against Bill 100. I didn't know at the time that voting for or against it was going to—well, first of all, I didn't know I was going to be on this committee at the time. But I didn't know that voting for or against it was then going to be thrown up at committee: "Oh, better get on board, guys, because you voted for it in the House." I didn't understand that was a prerequisite then to come down.

I support what Mr. Clark, Mr. Mantha and Mr. Miller said. Let's take time to take the—I have some trails in my community. They're already established. They're

public trails, so they're not affected, like on private property.

**1320**

I think that we should go to the north, go to the east, go wherever these trails are that are going to be affected, especially in these snowmobile areas where these private landowners support these, and make sure that it's done right. There has been a lot of debate about it, and people aren't sure, so I think we need to give them that certainty.

**The Chair (Mr. Monte McNaughton):** Mr. Clark?

**Mr. Steve Clark:** Yes, just one final thing: Obviously, we're going to vote against this. As someone who is a former House leader—this government could have handled this a lot differently. They say one thing in the House—the minister has said to me, in quiet conversations in the House, that he's looking at amendments and he's looking to deal with this co-operatively. The government could have very easily brought in a proposed motion that they're going to table at House leaders, to get our feeling on what we felt.

Again, regardless of when the consultations took place—and I want to stress this—not one property owner was part of that consultation. Just to go to a number of stakeholders and draft a bill, without seeing the cause and effect of that bill, is not the way to govern.

I again want to put my final comments on the record that governing by teleconference is not the way that these committees should operate. We should have the opportunity to travel in affected areas.

I still have trails in my riding that are partially closed. I have property owners who are very concerned about the speed with which this bill is being passed, without property owner comment. I'm concerned that other trails will be closed in this province if this government doesn't take a different approach. One of the different approaches that they could take is further consultation.

I'm going to vote against this motion as well.

**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Clark. Ms. Kiwala?

**Ms. Sophie Kiwala:** Considering that we have had engaged conversations since 2005—and some of the organizations and stakeholders that we've been talking to, previous to that, said that it went on since 2003—and I understand the concerns from the opposite side—I don't think it would be out of line to put this forward to the House leaders to make a decision on it and discuss it. I think that sounds like a reasonable approach at this point. I think that I would feel comfortable doing that and offering that. I'm just going to put that forward.

**The Chair (Mr. Monte McNaughton):** Okay. Any further comments? Are the members ready to vote?

**Mr. Steve Clark:** Recorded vote.

**Mr. Paul Miller:** I think you have an amendment.

**Ms. Sophie Kiwala:** Just one last thing: I do think that some of the concerns that have been brought forward could be discussed at that time and within some of the amendments or regulations. But I do think that going to the House leaders would be the best option at this point.



**The Chair (Mr. Monte McNaughton):** Are you suggesting an amendment to the motion?

**Ms. Sophie Kiwala:** No, sorry. I'm just suggesting that we discuss this with the House leaders and have them have a conversation about if it will travel or not.

**The Chair (Mr. Monte McNaughton):** Further debate? Mr. Miller.

**Mr. Paul Miller:** I have two things. First of all, I would like to move that the committee travel during constit week of May 22. I'd like to move that.

**The Chair (Mr. Monte McNaughton):** So we have an amendment?

**Mr. Paul Miller:** Yes.

**The Chair (Mr. Monte McNaughton):** Just one second.

**Ms. Soo Wong:** How many days?

**Mr. Paul Miller:** One day in each community, maybe, wherever it is—whatever it takes to get to Timmins or Sudbury or Thunder Bay. Whatever it takes—two or three days—I can't really put a day thing on it. I don't know—

**Ms. Soo Wong:** How many days do you want to travel?

**Mr. Paul Miller:** One day there and one day back, and two days for committee. I don't know. Three days?

**Ms. Soo Wong:** I don't know—

**Ms. Sophie Kiwala:** Well, we should let the House leaders work that out, should we not?

**Mr. Paul Miller:** The final travel plans aren't a concern here. What I—

*Interjection.*

**Mr. Paul Miller:** I think I've got the floor here. I do have the floor.

**The Chair (Mr. Monte McNaughton):** Mr. Miller, would you repeat your motion?

**Mr. Paul Miller:** Yes.

**The Chair (Mr. Monte McNaughton):** Thanks.

**Mr. Paul Miller:** I move that the committee travel during constit week of May 22 to address these issues.

I also have another amendment. I think the member from Kingston and the Islands made a good suggestion, but I think that if you don't put it down on paper, it's not going to go anywhere, because they won't even deal with it at House leaders. So I'd just like to see an amendment that states that the House leaders will make the appropriate and final decision on whether the travel will take place or not.

**The Chair (Mr. Monte McNaughton):** The House leaders will make that decision anyway, so we won't have to put that as part of the motion—

**Mr. Paul Miller:** They'll make the decision, but you've got to put it down to recommend it to them or they won't deal with it.

*Interjection.*

**The Chair (Mr. Monte McNaughton):** Mr. Day.

**The Clerk of the Committee (Mr. Trevor Day):** In reference to your motion, there are a couple of things that we've got to work out based on this. One is that to travel during a constit week, the committee will have to

recommend it to the House leaders. So the Chair would write to the House leaders, saying, "We'd like to travel this week." That part is fine, and we can deal with that.

Some of these other dates within the motion are going to have to be pushed back, if the committee is still doing public hearings at that time. Let me just check here—the request-to-appear deadline is the 29th; that should be fine. The deadline for written submissions is May 11—if we're still travelling, that will have to be pushed back, so that will need to be changed. Amendments by May 13: That will have to be changed, and clause-by-clause consideration dates will have to be changed as well.

**Mr. Paul Miller:** That's fine.

**The Clerk of the Committee (Mr. Trevor Day):** I'm just looking for direction as to what dates you would like for these.

**Mr. Paul Miller:** Well, I just got this paper put in front of me. Can I have a five-minute recess, and I'll get you the dates?

**The Chair (Mr. Monte McNaughton):** Sure.

*The committee recessed from 1326 to 1334.*

**The Chair (Mr. Monte McNaughton):** Okay, we'll call the meeting back to order and we'll turn it over to the Clerk to read the motion.

**The Clerk of the Committee (Mr. Trevor Day):** Mr. Miller, Hamilton East–Stoney Creek, has moved that the motion be amended to read as follows:

(1) That the committee meet during its regularly scheduled times on Wednesday, May 4, 2016, and Wednesday, May 11, 2016, for the purpose of public hearings.

That the committee request authorization to meet during the week of May 23, 2016.

(2) That the Clerk of the Committee post information regarding public hearings on the Ontario parliamentary channel, the Legislative Assembly website and on Canada NewsWire.

(3) That the deadline for requests to appear be 12 noon on Monday, May 2, 2016.

(4) That the Clerk of the Committee provide a list of all interested persons to the subcommittee following the deadline for requests.

(5) That each subcommittee member or delegate provide their selections of witnesses based on the list of interested persons received from the Clerk of the Committee by 5 p.m. on Monday, May 2, 2016.

(6) That all witnesses be offered 10 minutes for presentation and three minutes for questioning by committee members on a rotation by caucus, for a total of nine minutes.

(7) That the deadline for written submissions be 6 p.m. on Friday, May 27, 2016.

(8) That amendments to Bill 100 be filed with the Clerk of the Committee by 12 noon on Monday, May 30, 2016.

(9) That the committee meet for clause-by-clause consideration of Bill 100 on Wednesday, June 1, 2016, and Wednesday, June 8, 2016.

**The Chair (Mr. Monte McNaughton):** Any debate first? Are the members ready—

**Mr. Paul Miller:** I didn't catch any of the travel in there. Where was the travel part of it?

**The Clerk of the Committee (Mr. Trevor Day):** The Chair will request authorization from the House to meet during that week.

**Mr. Paul Miller:** Okay.

**The Chair (Mr. Monte McNaughton):** Are the members ready to vote? We're voting on Mr. Miller's amendment first.

**Mr. Steve Clark:** Recorded vote, Chair.

#### Ayes

Bailey, Clark, P. Miller.

#### Nays

Anderson, Kiwala, McMahon, Wong.

**The Chair (Mr. Monte McNaughton):** The amendment is lost.

Are the members ready to vote on the main motion?

**Mr. Steve Clark:** Recorded vote.

#### Ayes

Anderson, Kiwala, McMahon, Wong.

#### Nays

Bailey, Clark, P. Miller.

**The Chair (Mr. Monte McNaughton):** The motion is carried. We have no further—

**Mr. Steve Clark:** Chair?

**The Chair (Mr. Monte McNaughton):** Sorry, Mr. Clark.

**Mr. Steve Clark:** Regardless of the vote, I would ask—because the parliamentary assistant is here, I hope that she'll talk to her House leader and ask if it's at all possible for us to travel this bill outside of Toronto.

**Ms. Soo Wong:** Can I make a comment?

**The Chair (Mr. Monte McNaughton):** No, sorry. Mr. Mantha first.

**Mr. Michael Mantha:** You know, it's regrettable that we're not going to take the time to do this right. There's a lot of misinformation that is out there. I'm going to hate

coming back to this committee once this legislation goes through—because by the looks of it, it will go through, and it's going to be our job to try to do our best to explain this to constituents back home: landowners, Ski-Doo clubs and so on.

I will do my very best in doing that, but I hope that I don't have to come back to this committee and tell you of the negative impacts that you have actually created within the communities that I'm here representing on behalf of Algoma-Manitoulin. I would hate to come back to this committee and indicate to you that the Ski-Doo trails are shut down, economic development has crashed and there's a negative impact on tourism that is happening throughout northern Ontario. I would hate to have to come back to this.

For the days that we do have, we need to roll up our sleeves and really get to work with regard to the messaging and how we're going to be proposing this to individuals, because there's a lot of poor information that is out there and it's a big concern to me. I will hate to come back to this committee and tell you "I told you so" when we didn't take the time to go out and actually communicate with constituents across this province.

**Mr. Paul Miller:** I even came—

**The Chair (Mr. Monte McNaughton):** Sorry. Ms. Wong, you have the floor.

**Ms. Soo Wong:** I, too, want to echo what Mr. Clark just asked our members to do. I would say that all of the caucuses here need to speak to their House leaders—because I hear the concerns of my colleagues opposite. I am an urban member. I do have trails in downtown Toronto. If there is a desire to travel, I'm not saying no travelling. The decision of whether we travel outside committee time—the House leader has to agree. The House has to agree. So that's the first piece.

The second piece here is that I do respect that Mr. Clark asked our members to speak to our House leader. I would say all three House leaders need to talk, because they are meeting tomorrow.

**The Chair (Mr. Monte McNaughton):** Mr. Clark.

**Mr. Steve Clark:** I just want to put on record that I have a wonderful House leader—his name is Jim Wilson—and I know that he'll support me.

**The Chair (Mr. Monte McNaughton):** Thank you. We'll now meet on May 4.

*The committee adjourned at 1340.*











## CONTENTS

Wednesday 20 April 2016

Election of Vice-Chair.....	M-259
Committee business.....	M-259

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### **Vice-Chair / Vice-Président**

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Granville Anderson (Durham L)

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### **Substitutions / Membres remplaçants**

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Paul Miller (Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek ND)

#### **Clerk / Greffier**

Mr. Trevor Day

#### **Staff / Personnel**

Mr. Jeff Parker, research officer,  
Research Services





**Legislative Assembly  
of Ontario**

First Session, 41<sup>st</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 41<sup>e</sup> législature

**Official Report  
of Debates  
(Hansard)**

**Wednesday 4 May 2016**

**Journal  
des débats  
(Hansard)**

**Mercredi 4 mai 2016**

**Standing Committee on  
the Legislative Assembly**

**Supporting Ontario's Trails  
Act, 2016**

**Comité permanent de  
l'Assemblée législative**

**Loi de 2016 sur le soutien  
aux sentiers de l'Ontario**

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

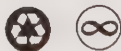
Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 4 May 2016

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 4 mai 2016

*The committee met at 1300 in committee room 1.*SUPPORTING ONTARIO'S TRAILS  
ACT, 2016LOI DE 2016 SUR LE SOUTIEN  
AUX SENTIERS DE L'ONTARIO

Consideration of the following bill:

Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts / Projet de loi 100, Loi édictant la Loi de 2016 sur les sentiers de l'Ontario et modifiant diverses lois.

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone. Welcome to the Standing Committee on the Legislative Assembly. We're here to discuss Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts.

**Mr. Steve Clark:** A point of order, Chair.

**The Chair (Mr. Monte McNaughton):** Point of order, Mr. Clark.

**Mr. Steve Clark:** I didn't have enough time to do it for this week, but I would ask, with the committee's concurrence, that you, as Chair of this committee, speak to the Chair of public accounts. What I'd like to do is switch rooms next week so that we're in the Amethyst Room. It's a far better room for live streaming of the committee.

I know there are a number of people who want to watch the proceedings of this committee. I'm just trying to make a fair and reasonable request, since we're not travelling. I'd like to ask for the committee's concurrence before we start.

**The Chair (Mr. Monte McNaughton):** How does the committee feel? Do we have agreement on that?

**Ms. Sophie Kiwala:** I don't have an issue with that.

**The Chair (Mr. Monte McNaughton):** It's just an ask.

**Ms. Sophie Kiwala:** If the room is available, we can ask, yes.

*Interjections.*

**The Chair (Mr. Monte McNaughton):** Okay. Thank you. We'll try to work that out.

**Mr. Steve Clark:** Thanks, Chair, and thank you, members of the committee.

ONTARIO FEDERATION  
OF SNOWMOBILE CLUBS

**The Chair (Mr. Monte McNaughton):** I'd like to call the Ontario Federation of Snowmobile Clubs, please, to be the first presenter.

Each presenter today will have 10 minutes for their presentation and then three minutes for each party. If you could just identify yourself for Hansard and we can begin.

**Mr. Mike Clewer:** My name is Mike Clewer, and I'm the director of strategy and business development for the Ontario Federation of Snowmobile Clubs.

I've just been told to sit down, which is not something I do very well. I get passionate when I stand up, so being contained to a desk is a bit of a challenge.

First up, thank you very much for inviting me today and for giving me the opportunity to speak on behalf of the federation and, to an extent, echo some of the sentiment that I'm sure you're going to hear from the other trail sector groups.

What I want to do to start with—I think I'd be remiss if I didn't tell you a little bit about snowmobiling before I start, and that is an unashamed plug. I'm going to do a promotion of what Ontario's snowmobiling is all about as we start.

First up, the federation has a mission. There's a bunch of words there. I never think words do a fantastic job of really telling a story, so I'd like you to look at the screen when I tell you that snowmobiling is really a way for family and friends to get together in their communities and embrace the Ontario winter. It's also an amazing way to see some of the assets of this province from vantage points that you wouldn't ordinarily get—certainly not from the road—and you've probably not even considered doing those in the winter either.

Lastly, and most importantly, it's a passion for tens, maybe even hundreds, of thousands of Ontarians as they get together annually and get excited about going out and riding together.

This shot here is part of a video that was from February 8, 2015, St. Marys, Ontario, where they attempted the Guinness world record for the longest snowmobile procession. In the event, they achieved it. Unfortunately, they didn't hold it for very long; somebody came along and beat them. They had 847 riders in the event, and it's currently held in Alberta.

I'm going to give you some facts today, and I think you're going to find some of these are actually quite astonishing. If you don't know a lot about snowmobiling, I think you'll find these few facts very revealing.

First of all, it is a volunteer-led organization. It is volunteer-powered. We have 5,000 to 7,000 volunteers, and those volunteers work very hard for approximately 200 clubs all around the province. These clubs build, maintain and groom, and deliver a connection of trails, and that connection binds at least 250 to potentially 300 communities all around the province. That's a substantial feat in itself. That connected trail network is 32,000 kilometres. That's 32,000 kilometres.

I'm going to give you some context of what that means, because people hear that number and they say, "Oh, that's a nice big number." First of all, it is double the number of highways that the Ministry of Transportation looks after. That's 16,000 kilometres. On a global scale—because this isn't just provincial or even national. If I tell you that the Trans Canada Trail, when it is complete—and as its name suggests, it's going to span Canada—is going to be the longest recreational hiking trail network in the world, that is going to be something that Canadians can be really proud of. But what you'll find amazing is that at 24,000 kilometres, that's still only three quarters of the length of the Ontario snowmobile trail.

The Ontario snowmobile trail is one of a pair of trails that is very, very similar in size—I think every time we get in a room together, it's a bidding war on whose is actually slightly bigger; the second is Quebec—that is the longest organized recreational trail infrastructure in the world. That's something that we should probably acknowledge and be a bit more proud of on a regular basis.

Now, one of the things that's really relevant for today is that 32,000 kilometres represents 45% of all trails available to Ontarians right this minute, and that's hiking, walking, equestrian, cycling and other power sports. So 45% is a fairly significant number.

But this isn't all about size. I'm sure other people have probably heard that before. If you are a snowmobiler, or if you're interested in snowmobiling, you're going to have to spend a little bit of money. That means you're likely going to have to buy a snowmobile; you're going to have to buy insurance; you're going to have to buy equipment and clothing; you most definitely will have to get it licensed and pay a registration fee on an annual basis. All of that is before you even get on the snowmobile and start riding. Then, when you get riding, you're going to need gas; you're going to need food; you're probably going to need to buy a map; you're going to need drinks; you're going to need accommodation, if you think about touring somewhere in the province; and there's no doubt you're going to be buying souvenirs from wherever you go. I think you get the picture that you spend money.

We decided that we need to establish exactly how much money you do spend as a consequence of snowmobiling. We, in 2014-15, commissioned an independent

economic impact study. It follows the Ministry of Tourism's TREIM model for assessing the economic impact of tourism. We found something that was really quite staggering; that is, that organized snowmobiling in this province is worth \$1.7 billion annually. That is a substantial amount of money in any books, but when you consider that the effects of that are predominantly felt in rural Ontario, and they're felt in rural Ontario at a time of year in which it's probably incredibly difficult to generate any type of economic development at all.

So this is a significant thing for the province itself, but also for rural parts of the province. We are proud—and I think it's fair to say that organized snowmobiling fundamentally supports gas stations, shops, hotels, restaurants and many small businesses. There are tremendous stories of this sort of connectivity between business and snowmobile clubs all over the province.

Also, the study goes on to show that it generates 7,300 full-time-equivalent jobs. Something that should be music to the ears of the government here is that it will produce over \$144 million of direct provincial taxation.

In summary, organized snowmobiling is a substantial asset for this province. It's an asset that, by the way, has been around for 50 years. It's an asset that seriously needs protecting and being made available for the next 50 or more years going into the future.

But we haven't had it all plain sailing. Just like any other organization, we face challenges all the time. We have found that we've endured these challenges and we've done that generally in a collaborative way. We look internally or externally at stakeholder partners or at the government, and we find solutions that get around our challenges. We don't get to 50 years old by accident.

If I give you an example, we do that through strong partnerships. Those partnerships are something that we value and we work at. Not only do we value and work at them; we respect our partners in those relationships, and we make sure that their side of the arrangement is looked after as well.

Since 2000, we've seen a real emerging issue that has caused a challenge for us. That challenge is that, as our society has become litigious, we have struggled with people trying to sue as they pursue this excellent pastime.

Back in 2000, we found it very difficult to get insurance. It was actually almost impossible to get insurance. When we did get it, they said, "Sure, you can have it. It's \$4 million annually." Now, that number isn't sustainable now, and it sure as hell wasn't sustainable back then, and it's not going to be sustainable into the future. So we looked internally; we improved our own maintenance practices and we improved our signage. We actually got very, very professional at defending claims that are brought against us. Today, we see the insurance premiums are 50% of what they were 10 to 15 years ago, which is something I don't think many industries could boast.

But we still spend a considerable amount of time, annually, defending claims, claims that are frivolous, claims that are unnecessary, claims that generally have



nothing to do with the snowmobile clubs. Lawyers find it easy to challenge and pick apart something that we may have done as an essentially volunteer-led organization. We articulated this to the government back maybe in 2004-05, and we are pleased and appreciative that the government has listened to this. They have listened and they found a mechanism, and that mechanism is through amendments to the MSVA, the Motorized Snow Vehicles Act, and through this Bill 100.

1310

To get on to Bill 100: Our first view of that, back in May 2015 at the first reading, was encouraging. We saw those amendments that we'd been seeking. We saw that the bill was there as a positive move by the government to secure, protect and promote trails. We looked at that and we felt that this was at least a step in the right direction.

Having said that, I'm sure it could have gone further in a lot of areas. We noted that maybe it could have done more for landowners. Maybe it could have done more to support these volunteer organizations that run the majority of these trail networks.

**The Chair (Mr. Monte McNaughton):** I'm sorry. I have to cut you off. We're going to move to the official opposition for questions.

**Mr. Steve Clark:** Thanks for your presentation. I'll try to give you a little extra time. I want to thank you and thank your industry for what they do in Ontario. I share some of the concerns that some of your members have about Bill 100.

I had a letter sent to me last week from the Grenville Snowmobile Association essentially saying that 11 landowners have officially closed the trail. Basically, they'll be closed down for next fall. And it just doesn't have the impact in my riding, but it also basically shuts down everything east to the Quebec border unless we have to reroute people through Ottawa. This is serious.

The government, although they did consultations a couple of years ago, I think were a bit asleep at the switch when it came to consultation afterward. I'd like your opinion on some of the changes you'd like to see to Bill 100 for some of your members.

**Mr. Mike Clewer:** Can I add a few points that were in my presentation? Those are that 60% of our 32,000 kilometres of trail is on private land. That is a substantial amount. The effects of this bill being introduced have caused concern; all right? Fundamentally, it contains things that we're happy with and pleased with and we want to see in place, but the actual impact has not been great for us. The effect has been that at least 300 segments have been closed, and that equates to maybe a 5,000-kilometre trail. That's 15% of our trail network.

What we're saying is, in a word, we have suffered some serious consequences this winter because of this uncertainty. That may have been things right in the bill, it may have been interpretations of the bill that weren't even there, but as a result of this, we have concerned landowners who are concerned for the security of their land.

They've come to us. In fact, I think we should have some optimism here, because a lot of them—and I'm going to say, even the stories you've heard. A lot of those landowners have told us they're waiting to see. They're waiting to see what this process does. I believe that if we can do a deal with the things that are causing them concern, we can get these trails back open again.

**Mr. Steve Clark:** How much more time left? I'll defer. Twenty seconds is not enough.

**The Chair (Mr. Monte McNaughton):** Okay. We'll move to the third party: Mr. Miller.

**Mr. Paul Miller:** Good afternoon, Mike. Certainly, we have some questions for you and thank you for your presentation, it was very informative. I can honestly say that I'm a Canadian and I've never been on a snowmobile. It's hard to believe. Hockey rinks, yes, baseball, everything else.

**Mr. Mike Clewer:** Well, you don't know what you're missing then. I'll help you out.

**Mr. Paul Miller:** There you go.

I'm going to ask a question and my colleague, who is very familiar with the north, will be asking a quick question.

Do you think that the bill's provisions to allow the assignment of easements has caused particular problems for the landowners, and do you see it as necessary for the bill, something that should be modified in any way?

**Mr. Mike Clewer:** Yes. I can tell you right now that whatever was causing the concern, we've clearly tried to allay those fears with our landowners. We've asked them specifically what has caused the concern. Section 12, I will say, is the thing that dominates. The easements and the transferability of the easements are two things high on the agenda. But I do believe that they need to see the clarity that removes the fear that they believe that organizations like ours will take advantage of that in some respect and ruin their land.

**Mr. Paul Miller:** Thank you. John?

**Mr. John Vanthof:** Thank you. I am a snowmobiler, a proud member of the Tri-Town Sno Travellers and a property owner on the Club Echo, so one kilometre of those thousands of kilometres goes across my farm.

I think one of the biggest issues from the people who have contacted me is that in the bill there is no clear delineation between the approval of a property owner to have the snowmobile trail across their farm—that that's not a slippery slope into an easement. There's basically one agreement or another agreement, and that's not clearly delineated in the bill, in our opinion. We've said that to the minister. We're repeating it here, and hopefully we'll have your support on that.

**Mr. Mike Clewer:** My appeal, again, at the end of my presentation—perhaps I should have gotten to my point a little quicker. But at the end of my presentation, I say exactly that. We think this is eminently fixable. It's fixable by this committee and the government reacting and listening. We don't see wholesale changes required to this bill. I think those sections on easements need to be clarified.



Easements, interestingly, are not something that we have ever utilized. For 50 years, we've utilized handshakes, but not written agreements that protect the landowner.

**Mr. Paul Miller:** One final question: We've certainly have had some concern about this, how fast it has moved ahead. How frequently have you been consulted or has your group been consulted throughout this legislative process—do you feel that has been enough or fair?

**Mr. Mike Clewer:** I'm going to say it has been for us.

**Mr. Paul Miller:** For your particular group.

**Mr. Mike Clewer:** Yes, for our particular needs. I think it's maybe a little imbalanced between the landowners. My appeal to the government and this committee is, listen to the landowners. I can't be presumptuous and tell you how to word this so that it will make them happy. That is not right. I can just tell you that we are happy with the bill, but our landowners aren't. We have this fragile relationship and that needs to be fixed, because you'll lose this trail network if it's not.

**Mr. Paul Miller:** We made it quite clear to the government that we had a problem with section 12 too, from our perspective as our party.

**Mr. Mike Clewer:** Our organization has no issue with 12 because we don't use or need easements, but our landowners do, and they have a concern for their property.

**Mr. Paul Miller:** It has a connection.

**Mr. Mike Clewer:** It has a—

**The Chair (Mr. Monte McNaughton):** Thank you very much. We're going to move to the government. Ms. Kiwala.

**Ms. Sophie Kiwala:** What a delight it is to see you here today. I just want to acknowledge you for all of your work that you've done with the snowmobile association. I'm sure that everybody in this room realizes and can get that you're not from this country. MPP Miller has acknowledged, as well, that he's never been on a snowmobile before and yet you have really done an awful lot for the industry. I just wanted to have on the record that you needed to be commended for that.

**Mr. Mike Clewer:** Thank you very much.

**Ms. Sophie Kiwala:** You've also spent some time discussing the incredible economic impact of snowmobiling in Ontario: \$1.7 billion is nothing to sneeze at. Also the impact with respect to the jobs: 7,300 jobs and \$144 million in direct taxation, which is pretty impressive. But I just wanted to focus on—if you could just provide to the committee and the audience today a little bit of information about how you feel a voluntary best-practice system and a trails strategy will encourage further growth for the sector.

**Mr. Mike Clewer:** We found that that sharing of best practice, and therefore any system that will facilitate that, will be very important. If you're alluding to a support for the rest of the bill and its intent, we're behind the intent of this bill without any question at all. What we're seeing is a very unfortunate side effect during the process. That's why my appeal to you, as a government, is to listen to the landowners. Amend the wording to their

satisfaction—I can't tell you what that is exactly—and do this promptly, because we need to get back to rebuilding these relationships. This fragile balance between landowner and club is built on a trust between those individuals a lot of the time. This gentleman here is probably a testament to that. You know people and you say, "Yes, you can ride on my land." I would totally understand a concern by a landowner in that respect.

So we do support the bill. We want this bill to be fixed. There are certain things within the bill that we think—well, some things don't have necessarily anything to do with us, but we support them because they're in the interest of other trail organizations. I would cite easements as one of those things. I think there is a requirement for easements for land securement, but it's not something that we particularly need as a mechanism. I don't want to see that damage this amazing asset that we have, and the rest of the trails system. That isn't the government's intent and it won't be the opposition's intent.

We're trying to do something good for Ontario here, and unfortunately in the process, there's been some misinterpretation. Let's get that fixed. Let's get it done now. Let's not have what we've experienced, which has been nothing short of devastating, happen to other trail groups during this summer.

The optimism we feel is that landowners say this is fixable. They say they're listening and waiting to see what happens with this bill before deciding any future access to their land, which means that if they're made happy, the land is back.

1320

**The Chair (Mr. Monte McNaughton):** Sorry. Thank you very much. By House rules, we have to move on, but thank you for being here today.

**Mr. Mike Clewer:** No problem at all.

#### ONTARIO TRAILS COUNCIL

**The Chair (Mr. Monte McNaughton):** I'd like to call for the Ontario Trails Council.

Just in the meantime, the Clerk has passed around to all committee members the information on the NCSL conference that will be happening this summer. The Clerk's office is going to be putting forward a budget and we're going to discuss it next week, but I just wanted everyone to be aware that it was being passed out.

We'll move to the Ontario Trails Council—if you could introduce yourself. You'll have 10 minutes for your presentation, and then questions will start with the NDP.

**Mr. Patrick Connor:** My name's Patrick Connor. I'm the executive director of the Ontario Trails Council. Thank you, Mr. Chair and members of the committee, for an opportunity to speak with you today. This is our commentary for the parliamentary committee regarding Bill 100.

From a legal, written point of view, the Ontario Trails Council repeats here today what it has said since the bill was first released to us through special session with



MTCS staff on May 5, 2015. Bill 100, the Supporting Ontario's Trails Act and its various amendments to other acts, is substantially fine in its entirety, other than for one suggested amendment and perhaps a preamble to the document: that the amount of minimum fines assessed under the trespass act be set to a \$250 minimum fine. We wish to be clear that this is a minimum fine, not a mandatory minimum, as others may be requesting. We believe the mandatory aspect removes judicial discretion and could invoke total enactment of guilt, including penalty, despite mitigating circumstances.

Other than this, we would recommend that you do not change or alter the act, nor the amendments it makes to the planning, snowmobile, off-road and occupiers' liability acts and its changes as it currently now stands.

At Ontario Trails Council, we also wish to say, since we have the opportunity to comment, that it's not the act but the subjective, sometimes reckless misinterpretations or interpretations, speculative anticipated consequences and a lack of clarity by some members of the public, or their advocates, that has been damaging by closing trails through restricted access to private land.

While trail closure is very problematic, in many ways Bill 100 does not go far enough in legally securing or sustaining the 80,000-plus kilometres of trails and the groups that support one of the world's largest trail networks. Bill 100, or sections therein:

- could be strengthened to enact a process of managing the 80,000 kilometres of Ontario trails;
- could be improved to reinforce the workings of the Ontario Trails Council as the lead provincial trails association in a fashion similar to other provincial level associations, such as the OMA;
- could directly reduce trail organization liability;
- could be improved by introducing a trails funding model for groups managing trails;
- could be strengthened through the introduction of support of a licence-fee recapture, with a province-wide trail pass system; and
- could provide tax incentives for private land access.

Since 2004, through at least six appearances at the Legislature's own pre-budget consultation committee, OTC has made recommendations for a sustained, systematic process to declare and then solve trail issues.

As we have witnessed recently through a required MTCS media response to the second reading, 10 hours of House debate and now these two committee meetings, it is the need for better understanding of due process, misinterpretation of things such as "may" versus "shall," what "eligible bodies" mean, some conservation practices, the need for trail education support, the need for trail count mechanisms, landowner appreciation and other factors from non-related provincial legislation and the enactment of same—for example, wind farms—that has created two solitudes in Ontario.

In fact, the relationship between trails and land, i.e., having a landowner agreement with a trail group, has over the years ensured protection for landowners that they retain title on land they are not utilizing. Unfortu-

nately, this seems to be a rural versus urban Ontario and a rural neighbour versus neighbour situation that has resulted in the closure of trails as a reaction and, in the opinion of OTC, unnecessary damage to the rural economy.

To be clear, it is not this act. The act is clear in language and we do not know how it could be rewritten to enhance understanding. Do not withdraw it and do not change it, except for the aforementioned amendment to the trespass fine amount. If it is not language, what has caused the sudden and damaging loss of trails through the release of the act?

We would encourage the Ontario government to pass the act and ensure, subsequent to this, that landowner and trail enablement programs and projects be initiated through the Ontario Trails Coordinating Committee. Landowners, trail users, management groups and other federations must be consulted to secure and sustain the \$10-billion annual economy taking place through and around recreational trails.

It has also been disheartening to have members of Parliament stand up in the House and have virtually no understanding of the total number of trails—80,000 kilometres plus—nor the number of communities that have a trail—430—nor any awareness of the Ontario Trails Council and its 240 municipal, conservation and user federation members, nor the full value to the Ontario economy on an annual basis that we estimate at \$10 billion.

As we move forward with the Ontario trails act, we renew our earlier requests for an appendix of terms, clarity on enactment and safeguard of lands and landowners.

This act should pass because it does improve trespass penalty, at the request of landowners; it removes ceilings on damages, at the request of the business sector; it maintains easements, a respected and known process involving public disclosure, appeal, that's initiated by landowners, as per the Planning Act; it improves clarity and safeguards for the Occupiers' Liability Act, enabling provincial bodies et al to have a reduced duty while charging entrance fees, at the request of some private and public bodies.

On the whole, the Supporting Ontario's Trails Act, as written and currently presented, represents a fair summation of consultations that took place in 2004-05 and 2012-13.

For our part, at OTC, we are concerned with elements that others have declared as okay: a trails week, trails of distinction, trails classification. These are all areas that the government has introduced on a somewhat unilateral basis, with no clear recognition in the act, specifically, that the Ontario Trails Council—which offers awards, recognizes trails and communities, has provided funding for development, has supported grants—could be utilized in the lead role for these activities.

We would request that all matters on the sale of land, historically or currently hosting recreational trail follow a public disclosure process, similar to that of the easement provision in the Planning Act. Many trails have, in fact,



been lost due to unknown private transaction with some well-meaning national conservation groups.

In closing, at OTC, this act has become a lightning rod for issues that have nothing to do with trails. A short list would be: transparency, due process, clarity of intent, collateral damage, and public education. Since first created to fulfill these objectives by the MNR in 1976, the one thing that hasn't occurred is the sustainability of the OTC and its programs to work as the lead government partner ensuring understanding of land practices, landowner relations and the other 51 challenges laid out in the Ontario Trails Strategy and partly covered by the Supporting Ontario's Trails Act.

We respectfully suggest that, through these 40 years, core support of the OTC could have enabled the smoother transition and acceptance of the Supporting Ontario's Trails Act. Properly enabled, OTC can continue to be the ounce of prevention to the pound of cure for the situation trails now find themselves in.

We look forward to working with all partners in support of other requested changes and the successful passage of Bill 100.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to Mr. Miller from the third party.

**Mr. Paul Miller:** Good afternoon, Patrick. How are you?

**Mr. Patrick Connor:** I'm fine, thanks.

**Mr. Paul Miller:** Our party certainly supports the trails act. There are some delicate areas that may have to be addressed, as you know.

I have a tendency to disagree with part of your submission, where you said that it doesn't go far enough and the government should legally secure or sustain the 80,000—I think you're walking on a minefield there by suggesting that we can overrule private landowners. I don't think that's going to happen.

**Mr. Patrick Connor:** That wasn't the intent of my—

**Mr. Paul Miller:** It says "legally securing or sustaining the 80,000-plus kilometres of trails"—so you want us to buy them from the landowner.

**Mr. Patrick Connor:** No. I just want to make sure that good legislation is put in place to secure trail operation on both public and private land.

**Mr. Paul Miller:** Define "secure" for me.

**Mr. Patrick Connor:** Well, so that they, as a legacy project, would be here 50 years from now and might not be subject to encroachment or development.

**Mr. Paul Miller:** By the landowner?

**Mr. Patrick Connor:** It could be by private developers.

**Mr. Paul Miller:** I have a bit of a problem with that.

**Mr. Patrick Connor:** Okay.

**Mr. Paul Miller:** Many of our members have asked for a clarification provision to be added with the body of the bill. I don't know if you have a problem with this: "An easement pursuant to Bill 100, if passed, would be a voluntary agreement between a landowner and an eligible body or bodies. No property owner would be compelled

to provide an easement unless they agreed to do so." Do you think this would be a beneficial amendment to the bill or a negative one?

**Mr. Patrick Connor:** I think the act is clear. It's "may" versus "shall." In the existing Planning Act and any other easement requirement that we've read or reviewed, it's all initiated, currently, on the part of the landowner. What I do say is that there needs to be better public education and a better understanding on the part of landowners to know their easement and the easement process.

**Mr. Paul Miller:** You mentioned the communication—there was a bit of a breakdown between the landowners—and some of the rumours that were floating out there. Do you believe that there has been enough consultation with the landowners of the province from the government, or do you feel it's—because obviously—  
1330

**Mr. Patrick Connor:** As I said in my remarks—

**Mr. Paul Miller:** —they've got problems.

**Mr. Patrick Connor:** I understand. I do. I understand, and I've been to their meetings and felt their wrath personally. However, I'm not responsible for that. I think—

**Mr. Paul Miller:** The question was—I'm asking if you thought there was enough consultation.

**Mr. Patrick Connor:** Yes, I do. We were part of those processes. Now, was every group at the table? No. But, you know, OTC—we operate as a non-governmental organization. I would have let down our members if we weren't at the table. The fact that other groups didn't make it, that's their call.

**Mr. Paul Miller:** That's fair. Now, do you think a travelling group of a committee would have been better to go across northern Ontario to allow everyone to take part in it?

**Mr. Patrick Connor:** Yes, but we don't make those decisions. That's why I'm trying to focus on the trails world in Ontario of tomorrow.

**Mr. Paul Miller:** Okay, but you—

**Mr. Patrick Connor:** And that's where—

**Mr. Paul Miller:** No. You've cut out your own corner. I'm not arguing with you, but you've cut out your own corner.

**The Chair (Mr. Monte McNaughton):** I have to cut this off and move to the government. We'll go to Mr. Dhillon, please.

**Mr. Vic Dhillon:** Thank you very much, Mr. Connor, for making your presentation.

The Ontario Landowners Association feels that there wasn't enough consultation on this and, with the passage of Bill 100, that trails will be able to be registered on property.

Can you briefly speak about the consultation process and about the misconception around the trail easements?

**Mr. Patrick Connor:** Well, there was a publicly declared consultation process.

Members of the Ontario Trails Council board are farmers; they are landowners. My executive committee



and our board have had agriculture representatives on them.

Who does what with that information? Again, I don't run the OLA. The OLA may feel like somehow they have been slighted. However, as Mike Clewer from the OFSC mentioned, well-informed landowners understand. Well-informed landowners have been calling my office to say that the information that we have provided has saved trails and that, through better understanding, they don't understand what the problem is, other than one organization that, I dare say, perhaps is on a membership drive. They're just making hay while the sun shines.

Their misinterpretations are their own. They can say that they're severe and protracted and they can cause mayhem in the community, but when we review the act and the language, and if we take "may" as may and "due process" as due process—200 years of statute. I've been involved, as an employer, in negotiation with unions as tough as the CAW, and they have pointed out to me that "may" means may, "shall" means shall, and there's no lack of clarity in my dealings with either OPSEU or the CAW that that's what the language means. So they can spin it however they want, but all they're doing is causing damage to rural Ontario.

**Mr. Vic Dhillon:** Since 2009, our government will have spent, directly and indirectly, approximately \$130 million to support the Ontario Trail Network.

Can you explain how a voluntary classification system and voluntary best practices will improve access to trails and support our trail network?

**Mr. Patrick Connor:** I think the important thing here is to recognize knowledge of these voluntary practices, knowledge of the sector and understanding of the commitment that these community leaders are making. The Bruce Trail, as a land-management organization, follows the best practices as it is laid out in the Planning Act. Unfortunately, some other—

**The Chair (Mr. Monte McNaughton):** We're going to move to the official opposition now: Mr. Clark.

**Mr. Steve Clark:** What a contrast in presentations we've had for the first two presenters today.

Sir, I find your commentary to be bizarre in parts. In parts, I feel like you're almost apologizing for your organization's lack of education in ridings and to members.

I could go on and on about how I disagree with many of the points that you present in terms of the need for clarification. I think a number of our written proposals that are here today validate some of the things from people on this side of the table.

But I actually want to ask you one question, and I would really like to have the answer. In the second reading debate, the minister and the parliamentary assistant made a presentation. This gentleman was in the crowd, and he said something to me, when the minister introduced me, about how he wanted to meet with the Ontario landowners and communicate to them his opinion on this, so that he could get them as part of the partners in the process.

I'd like to know specifically what he did after that conversation we had in the House to get landowners in

general, or the OLA, if he chooses to discuss—just how did he educate them on his views on this act?

**Mr. Patrick Connor:** I've been to meetings in Almonte and Simcoe. I've met with their governors. Their governors are calling me, and Tom Black is emailing me directly. So I've had a number of meetings directly with them, and there's an ongoing dialogue.

**Mr. Steve Clark:** So were you successful in having them agree to some of the things that you mentioned today in the committee?

**Mr. Patrick Connor:** They agree, as we do with them, that an appreciation of landowners is needed, that there needs to be a better process and better clarity about what the act means.

I think I have to be clear to the committee. I do understand that I'm coming in here and saying that the language in the act is okay, but with all due respect to the member, you also stood in Parliament and said that, frankly, in rural Ontario we just think the government is "up to something." So this is actually what's written on paper in the act, and our interpretation is that the language is okay, but the way that it plays out needs to be improved.

That's what I'm here to say. That's why we've held an open door to the OLA throughout, and that's why we continue to meet with them and correspond with them.

**Mr. Steve Clark:** Well, listen, I read a letter from my snowmobile club that essentially says that the snowmobile trail that the Grenville snowmobile club has in my riding is shut down, and it's going to be shut down. For this person to come and say that there needs to be no amendment makes me feel like you've got your head in the sand.

**Mr. Patrick Connor:** That's not true.

**Mr. Steve Clark:** You're supposed to be the executive director of the Ontario Trails Council.

**Mr. Patrick Connor:** I am.

**Mr. Steve Clark:** You're supposed to be the one who educates people—

**The Chair (Mr. Monte McNaughton):** I have to warn the member not to insult. And with that, that's the end of the presentation. We're out of time, so thank you very, very much for coming today.

**Mr. Patrick Connor:** Thanks. Thank you very much for your time.

## ONTARIO FEDERATION OF AGRICULTURE

**The Chair (Mr. Monte McNaughton):** Our next presenter is the Ontario Federation of Agriculture. I know these folks know how the process works, but if you could introduce yourselves. You have 10 minutes for your presentation and three minutes from each party for questioning, beginning with the government.

**Mr. Don McCabe:** I thank you, Mr. Chair, for the opportunity for the Ontario Federation of Agriculture to appear before this committee. We do not take these

opportunities lightly, and we thank you again for wishing to hear our views.

In listening to the first two presentations today, I am struck by the need to possibly put on the record three quotes that came to mind here today. One is by Abraham Lincoln, and that is, if you want to predict the future, you should create it. The second one is from George Bernard Shaw: The biggest problem with communication is assuming it happened. The last one would come from Dwight Eisenhower: If a problem cannot be solved, you've got to make it bigger.

With that, I'd like to introduce some remarks into the record. Before I start, I'd like to introduce Peter Jeffery, a staff researcher with the Ontario Federation of Agriculture, who is very engaged on this file, and Paul Wettlaufer, a fellow director who represents Grey and Bruce counties in the Ontario Federation of Agriculture.

The Ontario Federation of Agriculture is Canada's largest voluntary general farm organization. We represent more than 36,000 farm family businesses across Ontario. These farm businesses are the backbone of a robust food system and rural communities with the potential to drive the Ontario economy forward.

I would have to add, after hearing the first presentation: Yes, we do stuff in the wintertime too. It's called milk, chickens, processing and a few other things for the good of the economy, because we're \$34 billion of it and the number one industry in this province.

With regard to the proposed Ontario Trails Act, Bill 100, the OFA categorically disagrees with those who assert that Bill 100 will in some way, shape or form impose trail-related easements on unwilling and unsuspecting owners of private property. In our opinion, such an assertion is utterly false and misleading, and actually serves to harm rural businesses that depend on trail-related tourism. Hopefully we were clear.

That being said, the OFA does believe that the proposed Ontario Trails Act would benefit from adding a clarifying statement on easements that includes that easements will never be unilaterally imposed on any property owner and, secondly, that easements are voluntary and solely at the discretion of the property owner.

The OFA is on record as supporting the voluntary nature of any trail-related easements, as set out in subsection 12(3) of the proposed act. We further supported the provisions in section 12(9), which would enable a property owner to specify the term their easement was valid for.

1340

The OFA believes that the provisions in section 12(8) on assignment of easements by an eligible body should be dropped. If a property owner chooses to enter into a trail-related easement with an eligible body, the agreement should be with that body only, as negotiated. If the eligible body no longer wants to keep the easement, they should rescind it.

Section 7 of the proposed Ontario Trails Act speaks to the development of trail best practices. This provision is positive. We do, however, strongly recommend that any

government funding for a trail or to the trail organization be contingent on the trail organization's complete adherence to trail-related best practices. OFA has repeatedly heard a range of problems from farmers adjacent to former rail lines converted into recreational trails. We have attached our Rails-to-Trails Concerns of Adjacent Property Owners paper, and I highly recommend a quick read on that, please, because it addresses 13 different identified issues and concerns voiced by adjacent property owners, based on their rural real-world experiences. The OFA strongly recommends that these items be included as an integral part of any trail best practices guide.

Moving to the Occupiers' Liability Act, the OFA believes that Bill 100 fails to address the legitimate concerns of farmers and rural property owners concerning trails-related liability protection. While both the snowmobile and ATV associations do provide farmers and rural property owners who permit trail portions to cross their land, other trail groups and types provide no liability insurance coverage to adjacent property owners in the event that a trail user leaves the trail proper, trespasses on the adjacent property and injures themselves. To overlook this critical element is a legitimate barrier to trails development. The OFA recommends that the Occupiers' Liability Act be amended to shield farmers and rural property owners from frivolous liability lawsuits initiated by idiots—sorry, trespassers.

Trespass to Property Act: The proposed amendments to the Trespass to Property Act fall short of fulfilling OFA's long-standing requests on this subject. We would view raising the minimum fine to \$10,000 as mere window dressing. The current \$2,000 maximum fine has never, to our knowledge, been levied. Why should we believe that a higher maximum fine will lead to higher fines across the board? We firmly believe that a set minimum fine of \$500 is necessary to serve as an effective deterrent to trespassing, particularly when one compares the current practice on fines—\$50 plus a nominal victim's surcharge—to the cost of a snowmobile or ATV. The OFA recommends that the Trespass to Property Act be amended to set the minimum fine levied on conviction at \$500.

The OFA fully supports the removal of the ceiling on damage awards. The OFA believes that the government must undertake to educate both the general public as well as some enforcement personnel on the provisions in the act with respect to notice for agricultural properties. Under section 3 of the act, entry is prohibited without any signage to fields, gardens, orchards, vineyards, as well as to properties fenced to keep animals in or people out. All too often, farmers tell us that the police won't lay a charge because their farm wasn't posted. This misperception must be ended. The OFA recommends the government undertake a broad information and awareness campaign to emphasize public respect for private property and the fact that agricultural lands do not require signage to indicate their "closed to access" status. I don't think I can go wandering through the backyards of



Toronto tonight, and actually say that I shouldn't be charged because I didn't see signage.

In addition, another long-standing OFA ask involves the status of farm crossings on abandoned railway rights-of-way converted into recreational trails. Farm crossings were granted to farmers whose lands were cut in two by a rail line, and the crossing provided the farmer with their only means to access an otherwise landlocked portion of their farm. We note that some trail organizations believe that they do not need to recognize farmers' ongoing right to use these crossings, even after the rail line has been abandoned and sold. We have also seen rail trail groups suggest that abutting farmers would have to sign some form of crossing agreement and pay for farm crossing signage. For us, these attitudes and positions are utterly unacceptable. Farmers and their crossings came first, and their ongoing rights to continue to freely use their crossings must never be infringed upon. The OFA demands that the proposed trails act be amended to clearly and unequivocally recognize farm crossings on abandoned railway rights-of-way converted into recreational trails, and the right of those whose property is divided by a former rail line to the perpetual use of their crossing.

Farmers recognize the desire of many Ontarians to be able to explore the unique and diverse landscapes that make up rural Ontario. This experience must occur on recognized trails, some of which may include agreed-upon portions of farms. In return, farmers expect that people using Ontario's system of trails will respect the rights of farmers and other private property owners, will stay on the trail proper and will abide by any specific trail use requirements.

We look forward to working with the Ministry of Tourism, Culture and Sport on the development of trail best practices.

I also draw your attention to some photographs. For you, Mr. Chair, those were just outside of Glencoe. You and I would both know the individual. That certainly was not a proper snowmobile trail abider, because I don't think there was much snow there in August when he decided to take out those beams after having a very satisfying snort of something.

**The Chair (Mr. Monte McNaughton):** Thank you very much for the presentation. For the mention of my riding of Lambton-Kent-Middlesex, thank you.

We'll move to Mr. Anderson.

**Mr. Granville Anderson:** Hi, Don. Good afternoon, and welcome to you and your OFA members who are here today. You were really passionate about your presentation. Wonderful. It's good to see.

The OFA represents over 36,000 farm families. Over 80,000 kilometres of trails run through these farms and operate within your represented demographics in Ontario, with the generosity displayed by Ontario farmers across the province. That's why I'd like the OFA to weigh in on the trail easement section, which you touched on a bit earlier, of Bill 100. How does this additional voluntary easement system impact your members?

**Mr. Don McCabe:** I'm going to start, and then I'm going to ask Mr. Jeffery for his direct input.

Part of the reality that we have to recognize here is that, for example, when railroads crossed farms once upon a time, farmers then had their buildings put along that rail line because that was their access to move product out. That means that the farmstead has now put new buildings in place.

This raises the 13 issues that we have identified in the addendum to this report, on issues about security. Yes, we want to share the landscape with fellow Ontarians, but there has to be an issue of respect here.

Mr. Jeffery, could you add, please?

**Mr. Peter Jeffery:** We looked at the easement section and didn't feel that it was an imposition on private property owners and farmers because the language said that property owners "may" enter into easements.

We do recognize that a lot of people, particularly across rural Ontario, don't understand the whole issue around easements. I think some education around what they really are and what they're not would have gone a long way to minimize some of the angst.

**Mr. Granville Anderson:** Okay. I know you've touched on how we should educate the public and create awareness. How should the government go about doing that?

**Mr. Don McCabe:** I believe that you already have a trails committee that is operational within this government. Mr. Jeffery has been a participant there for some time.

I think you also have a strong opportunity here to send some good signals through this bill, to enhance these activities and come down on the issue of resolving the fact that this has to be a shared landscape with respect to the businesses that are there.

The longer-term reality is that it is all one landscape and it has to be shared, but right now the rules have allowed some to say, "The communication has occurred," or, "It's not my fault that somebody didn't show up." I don't buy that. There are a lot of doughnuts and a lot of coffee out there. We can talk more.

**The Chair (Mr. Monte McNaughton):** We'll move now to the official opposition, and Mr. Clark.

**Mr. Steve Clark:** So you're talking about doughnuts and coffee, and then it comes to me next, right? I thought you just basically set that up.

1350

I've always enjoyed our conversations. I want to thank you for being here, and I want you to know that much of what you've put into your presentation was communicated to me at some of my recent visits to some of your members. I was at the Leeds county annual meeting and all of these things were communicated by OFA farmers in Leeds county. Previous presenters—I talked about Grenville county, but there are also issues in Leeds county as well.

Was the OFA involved with the initial consultation that the ministry had? At that time, if you were, were your comments limited to trespass to property and farm crossings?



**Mr. Don McCabe:** I will refer that question to Mr. Jeffery. He will have a much clearer recollection of that issue because I have a hard time with yesterday.

**Mr. Peter Jeffery:** We were involved in some of those preliminary trail consultations at different points across the province. Our primary focus was on trespass liability and things like farm crossings, fencing, abandoned rights-of-way, which is a thorny issue for farmers.

**Mr. Steve Clark:** Yes, so obviously you're disappointed that the farm crossing isn't part of the bill. I would guess, and I'd like you to confirm, that the first two ask about the clarifying statement on easements in section 12(8). It is primarily what I'm hearing from your members to date. Is that basically correct, that those are the number one and number two amendments that OFA members would like to see?

**Mr. Peter Jeffery:** The number one issue that we're hearing is around easements, and we think that putting some clarifying language in there about what they clearly are not would benefit everybody.

**Mr. Steve Clark:** And because of the nature of the relationship that your members have with snowmobile clubs primarily, would you say the number one issue is that transferability to another organization, that these fields in the wintertime are used for snowmobile crossings, but in the summertime, obviously, the farmers have bigger and better things that they'd like to do with that property?

**Mr. Don McCabe:** I would agree with that context because the snowmobile clubs, at least in my recollection from my area in southwestern Ontario, are very respectable to the needs of the farmer being able to complete a harvest and establish the lines, and the work has been carried out. I think what we've had here now is a bit of a firestorm erupt on the issues and portrayal thereof, right or wrong, and that's why we're here today.

**The Chair (Mr. Monte McNaughton):** We'll move to the third party now. Mr. Miller.

**Mr. Paul Miller:** Thanks, gentlemen. My first question is, what's the OFA's opinion on the provisions of the bill allowing easements to be assigned or transferred? You'd like to see amendments on that, I'm assuming.

**Mr. Don McCabe:** I think we were clear in the statement here that we want to ensure the property owner knows exactly what's happening with their property. If they happen to have—an abandoned rail line is the best example here. If something's happening, they need to know because, again, it's back to biosecurity issues, it's back to having machinery that's been tampered with, and people say, "The trail's boring, so what the heck, we'll move through here."

**Mr. Paul Miller:** I have one question which I don't think has been addressed, ever. What happens in the summertime, with ATVs and motorcycles on trails? I haven't heard anything about that. Are there problems there with some of the landowners?

**Mr. Don McCabe:** Well, if you want to—

**Mr. Paul Miller:** It's another ugly thing to go down?

**Mr. Don McCabe:** Well, if you've still got a VCR, go watch Mad Max. It'll give you a hint. We have a few—

**Mr. Paul Miller:** You'd think that might have been included in this for a little protection for the farmer.

**Mr. Don McCabe:** As far as we're concerned within what we've submitted, we're talking about trails and their issues, regardless of season, 365.

**Mr. Paul Miller:** Okay. I believe my colleague has a question.

**Mr. John Vanthof:** I think one of the issues in all three of these presentations is about education and consultation. The issue is that what we're dealing with with trails are private landowners who really don't gain anything personally by allowing a trail on their property. So they hear, "Group A says this and group B says this." Perhaps you consult a lawyer, and as soon as a private landowner hears those words, they're going to walk away from the trail. I'm an MPP and a farmer, and I have a hard time explaining this to people. It has got to be really clear in the bill itself, so that when Joe Farmer, Joe Campground Owner or Jane Farmer reads it and OFSC comes to them and says, "Here's what the bill says: An agreement to use your land is not an easement"—it has to say something. There have been really good examples of this. The bill has to be readable by the average person in the province; it can't be only readable by people who have done union contracts and by lawyers. Would you agree?

**Mr. Don McCabe:** Yes.

**Mr. John Vanthof:** Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha, about 10 seconds.

**Mr. Michael Mantha:** Ten seconds? Okay. In addition, the ministerial discretion about assigning a trail, giving it a special designation: What does that mean to OFA?

**Mr. Don McCabe:** The minister is not paying those property taxes.

**Mr. Michael Mantha:** Thank you.

**The Chair (Mr. Monte McNaughton):** Thank you very much for your presentation, and thank you, Mr. McCabe, for letting everyone know at Queen's Park that people drive snowmobiles in the summertime in my riding.

## BRUCE TRAIL CONSERVANCY

**The Chair (Mr. Monte McNaughton):** We'll move now to the Bruce Trail Conservancy. Thank you very much. If you could please introduce yourselves for Hansard. You'll have 10 minutes for your presentation, and questions will begin this time with the official opposition.

**Ms. Beth Gilhespy:** Thank you very much, ladies and gentlemen and honourable members present. My name is Beth Gilhespy, and I'm the executive director of the Bruce Trail Conservancy. I'm here today with my colleague Antoin Diamond, our director of land securement at the conservancy.

Thank you for giving us the opportunity to talk about the importance of Bill 100. We do believe this bill should



be passed with all the elements that are presently there, albeit with necessary modifications for clarity to provide assurance to concerned landowners.

I'm going to start by saying the obvious: Trails are an integral part of the Ontario landscape and a testament to decades of planning, landowner generosity, volunteer dedication and public engagement. I would also say how much we greatly treasure the long history we've had with our landowners. These are farmers, cottagers, business people, and people simply living in the countryside and enjoying the beauties of Ontario. They've generously allowed us to cross their land, and we appreciate the opportunity to speak to some of their concerns today and express our own views on the bill.

Most trail organizations, including the Bruce Trail Conservancy, rely on landowner permission to access land. This can be done on an informal handshake basis. That's what we call simple agreements or verbal agreements with landowners. They can be carried out through written agreements or licence agreements. For example, we have more than 950 agreements with landowners who allow the Bruce Trail across their land, which is a very high number, through such agreements—a simple handshake, or sometimes they're licence agreements. Sometimes they're written, and it expresses what we plan to do on their land and gives their permission. None of those things are considered easements, and we'll get to that shortly.

We actually believe, as many do, that Bill 100 benefits landowners as well as trail groups. The bill increases fines for trespassing. It clarifies that landowners don't have the additional burden of liability when allowing trails across their land, and it also allows willing landowners—and I stress “willing landowners”—and trail groups to work together to more easily achieve securement of trail routes through easements.

These provisions of the bill are good for trail organizations and landowners alike, but there's the rub: the easements. This has been the item that, despite the benefits overall to the bill, has given the most concern amongst landowners. They fear a few things:

—They fear that the bill is going to allow trail groups like the Bruce Trail Conservancy to place easements on their land without their permission or even their knowledge;

—They fear that having a written agreement in place, something in writing with a trail organization, means that that is going to be registered as an easement—again without their permission; and

—They feel that they should be concerned about the assignability of easements.

I want to attempt to address some of those fears today because we do support this bill and we support and respect the views of our landowners, and those two things are not contradictory; they're actually complementary.

Let me talk a little bit about the Bruce Trail that so many of us know and love—and I know we go through a few ridings here.

The main Bruce Trail is 895 kilometres long, and there are more than 400 kilometres of side trails. We are the oldest and longest footpath in Canada. About 60%—a little bit less, perhaps—of the Bruce Trail is secured in public ownership. That's on lands owned by us, owned by the province, owned by the federal government and by conservation authorities, etc. The rest—and we're talking about 325 kilometres; think of the length of Lake Ontario—passes through these 950-plus private properties where we have permission from landowners through handshake agreements or written licence agreements.

#### 1400

Many of these agreements have been in place for decades, and we have wonderful landowners; there's no doubt. But the security of our trail on their land and the security of any infrastructure we put in—bridges, stiles, boardwalks etc.—the hard work that our volunteers do to put trail on that land with their permission is only as good as their goodwill and only as good sometimes as their ownership of the land. When they move on, that trail portion becomes vulnerable.

Securing the Bruce Trail is also a provincial goal, and it's outlined in part 3 of the Niagara Escarpment Plan. That plan does not propose establishing the Bruce Trail by handshake agreements. It promotes securing the trail, and again, always on a willing-landowner basis. Any tools available for securing the Bruce Trail are important to us. In fact, from time to time, a landowner who has been friendly with us for a number of years will express a desire to take their support to the next level: They want to donate or sell an easement to us to secure the trail. In all that I've seen and heard over the last couple of months, you'd almost think that no one would ever want to do this, but I'm here to tell you that people do want to do it. We have 22 easements. That doesn't sound like a lot, but we would have a lot more if they weren't so difficult to achieve. But they're always on that willing basis, and we will get to that.

Thankfully, Bill 100 actually proposes to remove an impediment to easements to make it easier for landowners and trail organizations to work together. I should note that easements are not a new item. We've negotiated, as I said, 22 easements along the Bruce Trail, always with landowner permission. But they're difficult, because under the current legislation, we're required to own the adjacent property in order to permanently secure that easement. We have to be what's called dominant tenement. With 950 properties, this jigsaw puzzle all up and down the escarpment, that is most of the time not possible. Landowners who would like to sell or donate an easement for trail securement can't do it under the current legislation unless we own the adjacent land. Bill 100 proposes to remove that simple little requirement, so that you don't have to own the neighbouring land in order to work with a landowner to achieve a trail easement. It sounds small, but it's really important. It's really important to our organization.

Landowners aren't at risk of having easements registered on their land without their knowledge and consent,



despite what they've heard. Bill 100 does not force landowners to enter into easements, nor does it change the informal nature of any existing handshake or licence agreements. Landowners who want to stick with their arrangement that they've had for five or 10 or even 50 years, in some cases, are welcome to do that. We would like to encourage them to pursue securement, but we certainly can't compel them, nor do we push them.

Bill 100 does not change the public process for getting an easement. The easements that we seek must follow the Planning Act, and that requires municipal consent. That requires going to the municipality, the landowner and the trail organization and applying for consent. It's a public process. It's posted and it's circulated to neighbouring landowners. There's a whole package of public consultation around this that is not avoidable. This bill does not make that avoidable either. So you can't register an easement on someone's land without their knowledge.

Easements also have a value. I heard someone ask, "What is in it for landowners?" Well, in terms of easements, we compensate the landowner for that easement. If we can come to an agreement on value and those kinds of things, we will compensate them. Many donate easements and they get a tax receipt for the value of the easement, and some sell as easements. So we've had both kinds.

Easements have always required landowner permission, and under Bill 100, they will continue to require landowner permission. But to provide that added assurance, which we know people are asking for, we support the insertion of language under section 12, paragraph 14 of the bill that explicitly states that easements are voluntary. In the submission—the longer submission that has been handed out—there is specific language that supports that and that you can have a look at.

I want to talk about assignability, the dreaded assignability of easements, which has also come up a lot. It has caused concern, but for us, anyway, it's an important piece. We are owners of easements and owners of land. It's a requirement of our letters patent that if we dissolve as an organization, which I hope will never happen, we have a duty to transfer our lands and interests, which include easements, to another similar organization for the purpose stated in the easement agreements.

Assignability is also an important element in cross-border donations. We know, certainly on the Niagara Escarpment, and particularly in the Bruce Peninsula section, there are a lot of American landowners. We also know that other organizations have worked with American landowners as well. They own land in Ontario and they may wish to donate that land to an organization like ours, but they can't get a tax receipt that's usable in the States. So there's a mechanism that has been set up whereby they can donate it to a group called American Friends of Canadian Land Trusts, who in turn assign that back to us. That's the mechanism that has to happen in order to make that tax receipt possible. That's important. Without that, the landowner is like, "Oh, there's nothing in this for me."

Assigning easements to another organization—this is really crucial—doesn't change the terms originally negotiated. If a landowner worked with a trail organization and said, "Under the terms of this easement, I'm going to allow foot passage only," it means foot passage only. It can even be restricted in terms of the times, the time of year etc. All those things can be part of the agreement and, again, on a voluntary basis. If we can't come to terms with the landowner, then we find another way of working together or we say goodbye and we'll try again some other time.

Trail easements are for trail passage; they're not for conservation. They're not trying to impose restrictions above and beyond what is agreed to by the landowner in the first place, and for which they are compensated.

To clarify that the conditions of easements—time limits, authorized uses and things like that—will be upheld, even if reassigned, we do support the inclusion of language under section 12—

**The Chair (Mr. Monte McNaughton):** Thank you very much for your presentation. We're going to move now to Mr. Walker.

**Mr. Bill Walker:** As the Bruce Trail is a big component of my riding, it's great to see you here, and thank you for your submission.

One of the things that I had certainly heard was that whole piece about the ability for you to accept a piece of land under donation, that it's very prohibitive. Do you have any kinds of stats on what types of numbers you might be thinking about that people would transfer so we have a permanent trail structure under your leadership?

**Ms. Beth Gilhespy:** We don't know because we've never had that ability before, but we do know that there are a number of landowners in a number of situations—out of the 950, I don't think I could give you a firm number, but we think that there are several that will help advance our securement.

**Mr. Bill Walker:** How about the reverse of that: Have you actually lost any pieces of land that you could have had had this been less cumbersome in the past?

**Ms. Beth Gilhespy:** Yes.

**Mr. Bill Walker:** So you're very supportive from that perspective.

**Ms. Beth Gilhespy:** Yes, we are.

**Mr. Bill Walker:** What I hear about the opponents of this bill in my riding are kind of those mythical things that they're going to lose: "If it's been working, why has it?" I think you reiterated, so please just clarify for me again: If anything is currently voluntary, there's nothing changing. That handwritten, that handshake—the snowmobile clubs, to my understanding, have their own forum and they're planning to keep that forum, but there's nothing less or nothing more really deemed by that landowner. So you're very comfortable, that that's how you read the bill and interpret the bill?

**Ms. Beth Gilhespy:** Exactly, Mr. Walker. That's how we read the bill.

**Mr. Bill Walker:** I think you've got a couple of points in there that I've already heard in some of the



other submissions. The other scenario that I've been given is the extended transferability, once or twice removed. It's very specific what you've shared with us, that if someone wishes to transfer, there are three criteria. But what if a group had that for six months and then they chose to transfer it to another group? Do the same criteria apply, and do you feel that this is strong enough wording, in your view, that it would prohibit somebody? Again, they're going to an extreme, saying that you could get some group that we don't want on the trail that's going to prohibit you somewhere down the road because of that transferability. Do you believe that there's stringent control in there to allow that to happen?

**Ms. Beth Gilhespy:** I do. Antoin, did you want to—

**Ms. Antoin Diamond:** The easement agreement is registered on title, and that rolls with the land; it goes forward with the land. Anybody purchasing a property will be informed by their solicitor that it has got an encumbrance on it, and that instrument will be opened, the agreement will be reviewed and it will be detailed what those restrictions are. So rolling forward, any landowner purchasing the sale of land will be informed of what those restrictions are.

**Mr. Bill Walker:** I get it with the first landowner transfer; it's the second, or a third or a fourth. It might be 20 years down the road when the world has changed again, that the ability to ensure that the original tenant—that what they expected the use of land to be can't just be slid past, where some group nefariously comes in and says, "We're going to restrict the ability for you to utilize it as a trail."

**Ms. Beth Gilhespy:** Our understanding is that what is agreed in the easement carries forward, unless there are changes that are made mutually by the landowner and the owner of the easement. It can't be done unilaterally, so those would go forward, yes.

**Mr. Bill Walker:** Thank you. The other one is—

**The Chair (Mr. Monte McNaughton):** I'm sorry, Mr. Walker. We have to move now to the third party. Mr. Miller.

**Mr. Paul Miller:** Thank you for being here today, and thank you for your submission. I had the privilege of sitting on the Hamilton Conservation Authority board for a few years.

Would it be fair to say that your conservation authority aggressively pursues easements?

**Ms. Beth Gilhespy:** We don't aggressively pursue them because they are rather difficult to get at this point in time, but it is definitely a tool that would be very useful in a lot of cases. We just have not pursued them to the same degree because they have not been as achievable, having had to own the neighbouring land.

**Mr. Paul Miller:** What do you see as the main problems with the existing trail use system that this legislation addresses?

**Ms. Beth Gilhespy:** The legislation gives us just another tool to work with landowners to secure route. We have a world-class trail that is so popular to so many, but it's very vulnerable as well. There are many landowners out there who are supportive and would like to help us

secure that route. If that's not their desire, then that's okay too, but we want to be able to offer that, and this helps us do that.

1410

**Mr. Paul Miller:** My colleague has a question.

**Mr. Michael Mantha:** Coming from northern Ontario, particularly Manitoulin, I'm looking forward to a very busy summer of trying to have some discussions with landowners, Ski-Doo clubs, and ATV clubs because of their concern with the interpretation of how this act is being applied to them. Individuals always weigh on the side of caution, so right now there's a huge potential economic opportunity that's going to be lost in our area.

What might you suggest for changes in this piece of legislation that might ease the landowners and also the Ski-Doo clubs? What do you suggest that the government can put forward within this piece of legislation so that everybody can say, "Listen, this is a good idea. This reassures your concerns, and this is how we can proceed with it?"

**Ms. Beth Gilhespy:** Well, we've made a few suggestions which are in our submission, but I can reiterate them just briefly. One is providing that added assurance that the easements are voluntary, really explicitly stating it, so that there's no vagueness to that. Another is to clarify that assignability carries with it the original terms of the agreement and cannot be unilaterally changed—that they have to have landowner agreement as well—and the terms of the agreement being very explicitly stated, so that if they are signed, the landowner has the same expectation, regardless of the landowner.

**Mr. Michael Mantha:** Some of the landowners and Ski-Doo clubs have come up to me and said, "Listen, the minister is going to receive special designation as far as assigning a trail." So if myself, the president of a Ski-Doo club, the landowner and the municipality all agree that in order to promote economic development and tourism in our area, we're going to designate this trail the "Blue Bayou Trail," they're thinking is the minister is—getting them involved. What is yours?

**The Chair (Mr. Monte McNaughton):** Mr. Mantha, sorry. We have to move now to the government. The three minutes is up.

We'll go to Ms. Naidoo-Harris.

**Ms. Indira Naidoo-Harris:** Thank you so much, Chair. I want to start out by thanking Ms. Gilhespy and also Ms. Diamond for coming in. Ms. Diamond, you look a little familiar. I think I've seen you in the House listening to some of the debates. Welcome again and it's good to see you.

I of course want to start out by thanking the Bruce Trail Conservancy for maintaining what I know is the longest and oldest marked footpath in Canada. I want to also thank you for your hard work, dedication and vision over the years, for maintaining public access for all of us to our magnificent Niagara Escarpment.

And a personal thank you from me and my family to you, because you've made it possible for all of us and millions of Ontarians over the years to be able to access what I think is just a magnificent area, and also a



UNESCO biosphere. Thank you so much for that and for your hard work in maintaining those trails.

You touched on a lot of things I was going to ask you about, but, first of all, Bill 100 was introduced to implement access and to improve access to Ontario trails. So just a quick question: Does it do that? Are we improving access to our trails?

**Ms. Beth Gilhespy:** Yes. We're giving landowners more comfort about things like liability and fines, although there could probably be more work done, and other groups have spoken to that more eloquently. And it also gives us another securement tool, so yes, I believe it does.

**Ms. Indira Naidoo-Harris:** Now, you touched on quite a bit in terms of the easement process and what's going on. As I'm sure you realize—and you touched on this already—this is about balancing access and also the rights of landowners, right?

**Ms. Beth Gilhespy:** Yes.

**Ms. Indira Naidoo-Harris:** Do you feel that this hits the right balance, essentially?

**Ms. Beth Gilhespy:** I think it does hit the right balance—we do. We think that clarity is needed to ease those concerns, because they're definitely out there and it is impacting trail organizations. So, if the clarity is there, it can be very effective. But there are a lot of people to talk to.

**Ms. Indira Naidoo-Harris:** You touched on that a bit, because you talked about your proposed amendment to section 12, I understand, right? Did you hit all of the points you wanted to hit there, or is there anything you'd like to elaborate on there?

**Ms. Beth Gilhespy:** I did miss a couple. So we're asking for clarity about voluntary entering into easements, we're talking about clarity that the easement agreement will contain explicit uses of that easement so that there's no vagueness or concerns transferring those on if they do have to be assigned, we proposed clarifying terms and—I think that probably covers the main points.

**Ms. Indira Naidoo-Harris:** Okay, thank you for that. I'd now like to just move to another area, which hasn't been touched on so much, but I understand you probably have an opinion on this. I'd like to talk about fines and fines for trespassing. How does this support the expansion of the Bruce Trail, do you think, and what are your thoughts on the minimum fine for trespassing?

**Ms. Beth Gilhespy:** I don't think we've actually—we haven't explored what we think should be a minimum fine. There are—

**The Chair (Mr. Monte McNaughton):** Sorry, we're at the timeline. We're under strict orders of the House, and have to stick to it. Thank you very much for presenting today.

**Ms. Beth Gilhespy:** Thank you very much.

**Ms. Indira Naidoo-Harris:** Thank you for coming in.

## HIKE ONTARIO

**The Chair (Mr. Monte McNaughton):** We'll now call Hike Ontario. Welcome to the committee. If you

could introduce yourself for Hansard. Questions this time around will start with the NDP.

**Mr. Bill Mungall:** Mr. Chair, committee members, my name is Bill Mungall and I am here today representing Hike Ontario.

We represent 25 hiking and hiking trail clubs across the province. Our members include the Bruce Trail Conservancy, the Oak Ridges Trail Association, and the Rideau trail club. By the way, there's a map at the back of our submission for all of the trail systems of the 25 clubs that operate.

Using only volunteer labour, our clubs have built and now maintain over 4,000 kilometres of rather challenging footpaths in Ontario. Most of these have been established many years ago by the simple handshake agreements with the landowners. The hiking clubs take much care in maintaining good relations with these owners.

We also insure clubs, hike leaders, trail maintainers and landowners who have trails on their property. We run courses on hiker safety and we certify hike leaders. We offer programs to bring seniors, youth, those with mental health issues and new Canadians into the world of hiking. Our clubs lead several thousand hikes a year that are free and open to the public, as are the trails.

We are here today to speak generally in support of Bill 100, to simply confirm that its collection of what are mainly housekeeping provisions are in fact much needed. We support specific improvements to section 12, the easements provision, as have been well discussed in the Legislature. We are, however, concerned that the bill doesn't go far enough to address serious and legitimate concerns of private landowners that prevent many from permitting trails over their land. In this regard, we recommend two friendly amendments. The specifics of the amendments we recommend are contained in our preface in the boldface, at the beginning of our submission.

First, though, on section 12: Easements will protect investments made by trail clubs in major infrastructure such as bridges, and for landowners wanting to secure the trail for future generations. But easements will be seldom used, since survey, severance and other costs will be a minimum of about \$3,500 for even the simplest of easements. For a number of our clubs, that would be half their annual budget.

Secondly, on landowner liability, we seek a new section of the bill that prevents trail users from suing landowners for negligence, similar to a provision in New Zealand's trail legislation. This would signal the government's recognition and support for landowners that do welcome footpaths, and will reduce landowner fears of liability, while retaining the right to sue for gross negligence, such as deliberate acts intended to harm.

Lastly, we believe the bill should make provision to enable the minister to address an acute need for financial incentives to support landowners who agree to a footpath on their land. The ministry's own 2005 Ontario Trails Strategy outlined the need for landowner incentives as a strategic priority, but no action to even study, much less



act on, this matter has occurred to date. Yet a very strong case can be made.

In rural Ontario, the province has a long history of encouraging private landowners to practise activities that provide a mix of private and public benefits. To keep farmland and forests in productive use, a 75% reduction from the residential assessment value is offered under the farm tax and managed forest tax programs. To start up a farm, generous grants have been available. To design, build or maintain municipal drains on private farmland, a one-third provincial grant is provided, and two thirds in the north.

Such programs provide a mainly private benefit to the landowner, even landowners with as little farm income as \$7,000. But footpaths on a landowner's property are providing a mainly public benefit in terms of improved health of the populace, and, secondarily, are a boost to local economies.

We see our clubs' footpaths as a key tool in containing health care costs that are eating the province's budget alive—I think the current figure is 42% of the total provincial budget. Many of our senior hikers see it that way too, and they are out hiking most days of the week to keep disabilities at bay throughout the rest of their lives, and off the health care ledger. Yet despite these public benefits, no recognition or financial incentives are available to the landowner who is making these health-building trails available to the public.

Hike Ontario's position is that such incentives are overdue and warranted because the face of landowners has changed in many parts of rural Ontario. Before the introduction of Bill 100, it had already become increasingly difficult to obtain handshake agreements with landowners in some areas to obtain access for a footpath.

1420

We believe the reasons for this are, first, that for decades, insurance companies and lawyers have had landowners running scared by inflaming fears of liability, fears that are simply not justified by the sound underlying Occupiers' Liability Act of 1980, and the very low numbers of incidents involving hiking, much less claims history. Insurers often raise landowners' liability insurance premiums once they're aware that the landowner has agreed to a public footpath on their land.

Secondly, litter, non-permitted uses like mountain bikes, and simply more pedestrian traffic can disrupt the privacy or sanctity of a property and be perceived as nuisances.

Third, rural land severances in large numbers have introduced many smaller, non-farm acreages into rural Ontario. Many of their owners are from the cities, and they don't feel strong ties to the rural community; compared to the farmer, they seem more self-interested and not as willing to allow others to access their property.

The results of these shifts in ownership and attitudes can be seen with just a couple of examples. The Oak Ridges moraine trail, just north of Toronto, despite 24 years of effort by the association, has received little success in gaining access to private land to move the trail off roadways and road allowances.

Similarly, long sections of the Bruce Trail must resort to roads in the Caledon Hills and the south Burlington areas of the Niagara Escarpment, since little access to private land has been granted. The Bruce Trail Conservancy still seeks access to some 1,000 private properties to place the trail on what is deemed an optimum route.

Also, a number of other trail clubs within our membership have reported recent closures of key sections of trail that force the trail to make use of roadways.

Compounding this, the mere introduction of Bill 100 has, as a quite unintended consequence, triggered an organized assault on trails of all kinds in rural Ontario as a means of showing antipathy to the current government and, perhaps secondarily, to Bill 100. A key part of the Thames Valley trail outside London has been closed due to the sustained misinformation campaign fomented across the province by a rural property rights organization, and we expect more closures of the footpath network are yet to come. The carefully constructed relationships between hiking clubs and rural landowners across Ontario over the last 50 years have been grievously vandalized by this group. Sadly, this organization was unable to make a proper reading of the bill before it launched its misinformation campaign.

Obtaining handshake agreements for footpaths was difficult enough before Bill 100. It's becoming nigh on impossible now. This situation urgently needs to be turned around with a truly game-changing initiative.

Hike Ontario suggests a property tax initiative for landowners who accept public footpaths on their land, at the rate of, say, \$20 a year for 100 metres of trail. Trail clubs could supply the database on the lengths of the footpaths per property to MPAC. Offsetting transfer payments would be made by the province to the affected municipalities. Even assuming that all landowners with public footpaths would apply for such a benefit, only an estimated \$222,000 per year would be needed to help secure the 4,000 kilometres of existing footpaths province-wide. The longer-term aim would be to grow the program by getting hiking trails off travelled roads and onto safer and more appealing routes. We are most confident that this modest initiative would find much favour in rural Ontario.

To close, Bill 100 should confer authority to the minister to allow him to introduce such a program or other future possible programs of financial assistance that he chooses, without having to amend the legislation at a later date. So we recommend a new section be added to the bill which permits the minister to introduce programs by order in council that further the objects of the bill, subject of course to cabinet approval.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We'll move to the third party: Mr. Mantha?

**Mr. Paul Miller:** No, it's me.

**The Chair (Mr. Monte McNaughton):** Sorry. Mr. Miller.

**Mr. Paul Miller:** Hi, Bill. How are you doing? Thanks for your presentation. I saw, from one of your



online presentations, that Hike Ontario unsuccessfully requested that the ministry eliminate the ability of trail users to sue landowners with trails. Can you explain to us why you requested that, and what reason the ministry gave you for not accepting your comment?

**Mr. Bill Mungall:** Yes. We did receive a response, and that was that it was felt by the legislative counsel to the ministry that prepared the bill that to take away the right of an individual to sue a landowner is a rather grave taking-away of a right, and that it shouldn't be countenanced.

We maintain, though, that sending a signal to the private landowners that the government supports such an initiative is perhaps more important in weighing the balance. In any event, anyone contemplating a suit can always still sue for gross negligence.

**Mr. Paul Miller:** Further to that, do you think the modifications of the Occupiers' Liability Act are a sufficient step in the right direction?

**Mr. Bill Mungall:** We do, yes.

**Mr. Paul Miller:** Okay. My final question for you would be that one of the problems with the provision for easements was that the costs involved place it out of reach of most clubs. There are surveys, severance, legal costs and, of course, the financial consideration involved, which is not mentioned in this bill. With that, and the controversy surrounding the bill in mind, do you believe the inclusion of easements is of a net benefit to the trail system in Ontario?

**Mr. Bill Mungall:** We do, yes. We simply don't believe, other than the Bruce Trail Conservancy, that very many, if any, of our trail clubs would actually make use of it.

**Mr. Paul Miller:** Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha?

**Mr. Michael Mantha:** I have the distinct privilege of saying that I've actually worked on the Voyageur Trail along Lake Superior. Next time I go work with them, I won't just bring my axe; I'll bring my chainsaw, because it's a lot of work. I have a lot of respect for these individuals who actually go out and volunteer to prepare these trails to make sure that they're properly cared for.

My one question to you is—I'm looking at your photos and it just jumped out at me. We have the largest freshwater island in the world sitting on our Great Lakes and I don't see your trails there. How come?

**Mr. Paul Miller:** What, are you advertising?

**Mr. Michael Mantha:** Absolutely.

**Mr. Bill Mungall:** Good point. I do take your point. It's a natural extension of the Niagara Escarpment. I've walked the Cup and Saucer Trail myself—

**Mr. Michael Mantha:** It's known around the globe.

**Mr. Bill Mungall:** I'll defer to the Bruce Trail Conservancy as to when they want to complete the trail through Manitoulin Island.

**The Chair (Mr. Monte McNaughton):** Thank you very much. We're going to move to the government. Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much, Bill, for being here today and giving us this presentation. It's very much appreciated, the time that you've spent to prepare and organize, and outside of all of that, your time spent on the work that you do every day. You represent over 13,000 people, which is pretty impressive.

Part of my question for you today is just a little bit of focus on the fines for trespassing. I'm wondering if you can tell me what you think of the OFA's suggestion that there should be minimum fines for trespassing.

**Mr. Bill Mungall:** I also sit on the board of the Ontario Trails Council and we've reviewed that matter as a whole. Hike Ontario supports the recommendation that you heard from Mr. Connor to the effect that a \$250 figure might be more appropriate.

**Ms. Sophie Kiwala:** Okay. With respect to the Bruce Trail and the discussion today, they spoke of the trail easements and how they are integral to establishing those long-term trails and sustainability for the future, which we agree is an extremely important aspect of Bill 100. Can you tell me how the easements section will impact hikers in the future?

**Mr. Bill Mungall:** Well, on the Bruce Trail, there will probably be some substantial effect in the long term in terms of securing the route of the trail. In other trail systems I think it will be much more limited, because the other trail clubs are not land conservancies. The Bruce Trail stands apart in that respect, inasmuch as was indicated that the Niagara Escarpment act is looking for securement of the trail.

We are still going to rely primarily on handshake agreements in the other 24 clubs. I can see a few isolated instances where we may deploy easements. Our own club, the Guelph club, for instance, spent about \$7,000 on a major bridge over a creek a few years ago. If it was now, we might want to enter into an agreement with the landowner, who's quite aged, to ensure that we still have access to that bridge in future.

**Ms. Sophie Kiwala:** So you see that Bill 100 will improve that and your sustainability for the future.

**Mr. Bill Mungall:** It will, yes.

**Ms. Sophie Kiwala:** Excellent. Is there anything else that you would like to add if you had a few more seconds?

**The Chair (Mr. Monte McNaughton):** Unfortunately, you're not going to have time to respond to that question. We'll move to the official opposition. Mr. Clark.

1430

**Mr. Steve Clark:** Thanks very much for being here. I appreciate your presentation.

The new recommendation that none of the previous presenters have really talked about is the financial program. So I'm very interested in hearing not just about how you feel this will work with MPAC—and I see that you place \$222,000, which is a very specific number, per annum to secure that 4,000 kilometres of trail. I'd like you to expand on that a little bit more because it's something that I haven't heard throughout the debate.



**Mr. Bill Mungall:** I'd have to say that no one has studied this in depth, so it's difficult to say much about it.

Not all landowners would want to take the money, necessarily—out of principle, or because they just didn't feel it was worth their while applying for it. But we feel that some nominal financial stipend, at the very least, would offset the costs of the additional liability insurance that they're buying from insurance companies—and to deal with the nuisance factor. I think a little bit of money would go a long way with most landowners.

**Mr. Steve Clark:** Just speaking on the money side of it, given some of the controversy that has happened with this bill and the fact that a number of private property owners have been very distraught over this bill, do you think, regardless of which amendments pass, that there should be some public education, that the government should invest some dollars to try to communicate whatever form this bill is going to take at the end of our hearings, so that you can get ahead of this?

**Mr. Bill Mungall:** Completely. I think I would have said that even before the controversy. That applies in spades now. Yes. It's an imperative. Absolutely.

**The Chair (Mr. Monte McNaughton):** Ms. Thompson?

**Ms. Lisa M. Thompson:** In that same vein, I was just wondering if you had worked with the likes of Don McCabe of the Ontario Federation of Agriculture, the Christian Farmers or the National Farmers Union with regard to that social responsibility concept. We hear a lot of farmers talk about how if they take land out of production for wetlands, there's a value to the overall society in that regard. Essentially, this particular paragraph stuck out for me, as well, and I'm curious if you've talked to the commodity organizations or farm groups about it.

**Mr. Bill Mungall:** No. You've heard it first.

**Ms. Lisa M. Thompson:** Okay. I applaud you for it. They'll appreciate this.

**The Chair (Mr. Monte McNaughton):** That's it for the time. Thank you very much for presenting.

#### RENFREW COUNTY PRIVATE LANDOWNERS ASSOCIATION

**The Chair (Mr. Monte McNaughton):** We'll call the Renfrew County Private Landowners Association to come forward.

You'll have 10 minutes for your presentation. This time, the questioning will start with the government. Please begin by introducing yourselves.

**Mr. John Jeffrey:** Good afternoon. I'm John Jeffrey from the Renfrew County Private Landowners Association.

**Mr. Dan Mazur:** I'm Dan Mazur.

We thank you for this opportunity to present our little presentation to you. It's going to be the shortest one of the day.

We are here today representing the Renfrew County Private Landowners Association, an organization of over

1,800 individuals, private landowners, loggers, private citizens, farmers and small business owners.

We believe the following:

All citizens should have the right to own and should have the right to use their private property for enjoyment and to earn a living from their land.

The property owners are being very community-minded by allowing trails to be on their land, although they have the possibility of so much to lose.

Property owners and snowmobile clubs had a good relationship for over 40 years without easements, and it worked.

Our local snowmobile clubs and the OFSC have done an excellent job of promoting snowmobiling, trails, trail management and safety. Our hat is off to them for their continuing community service. Apparently, Ontario may have the largest trail system in the world, with over 40,000 kilometres of trails.

The users of the trails have so much to gain.

It is apparent the reasoning for easements is to make trails public lands and to enable enforcement of rules and regulations.

It is understood that an easement, if secured, under this bill would be a voluntary agreement between a property owner and an eligible body or bodies. We do not at the present trust this statement.

We agree in principle with the purposes of this bill, and as it reads in the bill:

"1. To increase awareness about and encourage the use of trails.

"2. To enhance trails and the trail experience.

"3. To protect trails for today's generation and future generations.

"4. To recognize the contribution that trails make to quality of life in Ontario."

We are concerned. Our area, Renfrew county, is being choked due to the loss of our rail system and the very low priority of Highway 17 becoming the 417. The possibility of trails closing or being altered due to the property owners not renewing their land use agreements to the snowmobile clubs—many restaurants, places of lodging and other businesses will suffer due to possible trail closures. We cannot support efforts to convert private property into public property by the use of easements under the guise of protecting the property owners.

We recommend that property owners should have a proper and informed say in the development of Bill 100, with the rest of the stakeholders. It is their land that will be affected by this bill. We recommend that section 12 be completely removed from schedule 1, and that agreements between property owners and an eligible body or bodies, upon request, have an agreed-upon duration.

That's our presentation.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We'll move to the government and Ms. Wong for questioning.

**Ms. Soo Wong:** Thank you very much, gentlemen, for your presentation. I just want some clarification, because in your written submission, you indicated to us that

you're concerned about the potential loss of business. Yet a previous witness before the committee, the Ontario Federation of Snowmobile Clubs, indicated to us that there will be an increase in terms of—they shared with us this afternoon that the 2014-15 economic impact study shows that there will be an anticipated \$1.7 billion of economic activity, an equivalency of 7,300 full-time-equivalent jobs.

Furthermore, the ministry themselves did research on the potential jobs associated with the trails and hikes. They anticipated 18,000 jobs across Ontario. They also expressed that the hiking and the trails would generate close to \$1.4 billion.

So I'm just curious, gentlemen: Where do you get the concerns raised about the loss of business and that fear? Where is that information coming from?

**Mr. John Jeffrey:** If this easement goes through the way it's put, the way it's written in there—section 12 should be taken out completely. When it comes to an eligible body, it goes to the crown. You try to tell that to farmers and landowners. When it goes to the crown, it's going to have to go to some kind of a court case if it's put on his land or her land or whoever's it is.

They're just going to close their gates. If gates are closed right across—and from what I've been reading through reports that we got from the Ski-Doo club, there's \$1.7 billion that's put across Ontario through revenue to restaurants and service stations—you name it. In our county and Hastings county right beside us, there's \$76 million put through there. But the thing is—

**Ms. Soo Wong:** Because time is limited, I'm going to stop you there, because I just don't know if you're aware that in Bill 100, it is very clear in the bill that it's voluntary.

**Mr. John Jeffrey:** Yes, it is. But the information that we're getting is that if easements are put out, it could come as an eligible body. You start telling this to landowners and gates start going up and blocking land. All it takes is one county through Ontario, and it's going to slow a lot more than one county down.

**Ms. Soo Wong:** I remember hearing Mr. Yakabuski and others—Mr. Miller and those I'm talking about; you were there when we had this debate at second reading. I'm not sure that the information about Bill 100—

**The Chair (Mr. Monte McNaughton):** Ms. Wong—sorry—would you speak into the microphone, please?  
1440

**Ms. Soo Wong:** I'm not sure that the community where you're from actually is aware that it's very clearly stated in Bill 100 that it's voluntary, between the owner and the easement issue. I am concerned that that message and the information is not shared to your community. It is explicitly stated.

We also have information from the rural association, OMAFRA and the Association of Municipalities of Ontario supporting Bill 100.

I also want to ask some questions related to the issue of fines, because I also noticed in your presentation, your written submission, you make no reference to the fine

piece. I believe the government is increasing the maximum fine from \$2,000 to \$10,000. Do you have an opinion about that?

**Mr. John Jeffrey:** My opinion on that is that talking about fines is not going to create the problem.

**The Chair (Mr. Monte McNaughton):** I'm sorry. I have to move along now to the official opposition and Mr. Yakabuski.

**Mr. John Yakabuski:** Thank you very much, John and Dan, for joining us today.

In spite of what Ms. Wong from the Liberals is—she wants to tell you what you should be thinking about this bill. I'm interested in what you are thinking about this bill because I know, as you know, that trails closed, when this bill became known, throughout not only my riding, which you gentlemen are from, but all across parts of rural Ontario. So clearly there was—if they're saying there's no reason, why did they close? There was a tremendous belief that something was wrong with this piece of legislation.

Were you people ever consulted, before this bill was adopted, by the Ministry of Tourism and Culture about what a new trails act would look like?

**Mr. John Jeffrey:** No.

**Mr. John Yakabuski:** Were you every consulted? Do you know of any farm group in the riding that was ever consulted ahead of time?

**Mr. John Jeffrey:** No. I've talked with people all the way from Collingwood and right up through the whole north. Our area, being around Algonquin Park—the trail goes right by my place to Algonquin Park. If that's closed, it's going to take—because I've seen at restaurants in Renfrew county at lunch time, there has been as high as 60 to 80 snowmobiles at one restaurant, and that's with service stations, businesses, right through the whole area. So, as far as I'm concerned, it's going to close Renfrew county down.

**Mr. John Yakabuski:** If those trails are closed—and Terry Vaudry from the snowmobile club has spoken to you—if they don't have a continuous link through Renfrew county, they basically don't have snowmobiling.

**Mr. John Jeffrey:** No.

**Mr. John Yakabuski:** They rely as much on the private landowners as they do on public lands to keep those trails operating.

So what you're asking for, then, if I'm correct, is for the removal of section 12.

**Mr. John Jeffrey:** Yes.

**Mr. John Yakabuski:** Because this is the one that concerns people. If people don't sign easements, we understand. We understand that they're voluntary. But if that easement is signed, the belief is that this gives the government the option and the power to assign that easement to a third party, and that concerns—

**Mr. John Jeffrey:** Yes. It definitely does.

**Mr. John Yakabuski:** If the government's unwilling—because they generally are—to make that



change, is there a clarification that could be done to this bill that you believe would give some form of comfort to landowners? Because, right now, there's a tremendous amount of confusion out there.

**Mr. John Jeffrey:** Yes, there is a tremendous amount. Take section 12 out and explain—give people more. You're talking to farmers and landowners. You're not talking to lawyers or anybody like that. They want it more clearly brought out to them, right up front, what this is all about.

Landowners don't really want to close their trails, I'll guarantee you that, because I know landowners, and I've talked to service stations, like Spectacle Lake Lodge. It's a big lodge; it's full every weekend with skidoos. Everybody's under the same concern. Get a better explanation out there, and work with the people—

**The Chair (Mr. Monte McNaughton):** Sorry, we have to move to the third party. Mr. Miller, please.

**Mr. Paul Miller:** Hi, gentlemen. How are you doing today? Thanks for coming in.

I certainly have some concerns about section 12. It could be better clarified to make the landowners feel a little better. I do believe you weren't consulted properly, and you should have been, which would have made a lot of these rumours—they might have not floated around.

But I am concerned about the statement from your friend MPP Randy Hillier, who was a former—I don't know if he's still a member of the landowners' association. This is a quote from him in the House; it sends conflicting messages to other MPPs. The member from Lanark-Frontenac-Lennox and Addington said, "Bill 100 does not grant any new authorities over private land, nor does it infringe or impair private property rights." Do you agree with that statement, and if not, can you explain to me why?

**Mr. John Jeffrey:** No, I don't agree with that statement.

**Mr. Paul Miller:** You do or you don't?

**Mr. John Jeffrey:** I don't agree with the way he put it, anyway.

**Mr. Paul Miller:** Okay. What's your disagreement?

**Mr. John Jeffrey:** Just like what I said here. It starts off as a "body," to an "eligible body," and then it goes to "the crown." You try and tell that to a landowner or a farmer or anybody. They know that if they have to deal with the crown, they're going to have to go to a lawyer. They don't have money to go to a lawyer. Most landowners today are just working to survive.

**Mr. Paul Miller:** So you feel that if the government took the time to alleviate some of your concerns by explaining to you in laymen language what's going on here, you guys would feel a lot more comfortable and you probably would be not opposed to it.

**Mr. John Jeffrey:** Yes, explain it to the public. I like speaking off the cuff, and when you're talking to farmers, they're going to speak back to you off the cuff.

**Mr. Paul Miller:** Sure. So if they set up a meeting with your organization, just to talk to you and straighten it out, would you be okay with that?

**Mr. John Jeffrey:** I definitely would.

**Mr. Paul Miller:** Well, I don't see why they wouldn't. Thank you.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha?

**Mr. Michael Mantha:** The extensive problem that we have with this bill—and I hope the government takes this back when they are taking it into consideration—is there's a relationship that has been hurt here, a long-standing relationship between landowners and trail users, never mind the clubs. There's been a harmonious relationship that has been going on for years and years and years. A bill is dropped on the table, and we have a problem now.

To not challenge ourselves and say, "Wait a second. We've got to take a step back here. We don't want to ruin any relationships that have developed over the course of the years between the farmers' associations, the landowners' associations and the individuals who enjoy the beauty of our trails"—we have to do this right. We have to go out and make an explanation, and not just an explanation, but take into consideration the reassurances that these landowners actually need.

I don't want to put words into your mouths, but what would that explanation look like? What would you need in order to satisfy your groups?

**The Chair (Mr. Monte McNaughton):** On that note, Mr. Mantha, we are out of time.

Thank you very much for being here today. I'd like to thank the committee for meeting today.

I earlier said that we were under orders of the House to keep to the time for the presentations and questions. It was actually the committee who set those restrictions.

We will be meeting next week, May 11, at 1 p.m. to discuss Bill 100 again. At that meeting, at the end, we'll discuss the NCSL conference this summer.

With that, I'd like to thank everyone for coming today.

*The committee adjourned at 1447.*





## **STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY**

### **Chair / Président**

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

### **Vice-Chair / Vice-Président**

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Granville Anderson (Durham L)

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

### **Substitutions / Membres remplaçants**

Mr. Paul Miller (Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek ND)

Ms. Indira Naidoo-Harris (Halton L)

### **Also taking part / Autres participants et participantes**

Ms. Lisa M. Thompson (Huron–Bruce PC)

Mr. John Vanthof (Timiskaming–Cochrane ND)

Mr. Bill Walker (Bruce–Grey–Owen Sound PC)

Mr. John Yakabuski (Renfrew–Nipissing–Pembroke PC)

### **Clerk / Greffier**

Mr. Trevor Day

### **Staff / Personnel**

Ms. Mercedes Lee, research officer,  
Research Services

Mr. Jeff Parker, research officer,  
Research Services

## CONTENTS

Wednesday 4 May 2016

Supporting Ontario's Trails Act, 2016, Bill 100, Mr. Coteau / Loi de 2016 sur le soutien aux sentiers de l'Ontario, projet de loi 100, M. Coteau.....	M-265
Ontario Federation of Snowmobile Clubs.....	M-265
Mr. Mike Clewer	
Ontario Trails Council.....	M-268
Mr. Patrick Connor	
Ontario Federation of Agriculture.....	M-271
Mr. Don McCabe	
Mr. Peter Jeffery	
Bruce Trail Conservancy.....	M-274
Ms. Beth Gilhespy	
Ms. Antoin Diamond	
Hike Ontario.....	M-278
Mr. Bill Mungall	
Renfrew County Private Landowners Association .....	M-281
Mr. John Jeffrey	
Mr. Dan Mazur	





## Legislative Assembly of Ontario

First Session, 41<sup>st</sup> Parliament

## Assemblée législative de l'Ontario

Première session, 41<sup>e</sup> législature

# Official Report of Debates (Hansard)

Wednesday 11 May 2016

# Journal des débats (Hansard)

Mercredi 11 mai 2016

## Standing Committee on the Legislative Assembly

Supporting Ontario's Trails  
Act, 2016

## Comité permanent de l'Assemblée législative

Loi de 2016 sur le soutien  
aux sentiers de l'Ontario

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.

---

Hansard Reporting and Interpretation Services  
Room 500, West Wing, Legislative Building  
111 Wellesley Street West, Queen's Park  
Toronto ON M7A 1A2  
Telephone 416-325-7400; fax 416-325-7430  
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation  
Salle 500, aile ouest, Édifice du Parlement  
111, rue Wellesley ouest, Queen's Park  
Toronto ON M7A 1A2  
Téléphone, 416-325-7400; télécopieur, 416-325-7430  
Publié par l'Assemblée législative de l'Ontario



## LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLY

Wednesday 11 May 2016

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Mercredi 11 mai 2016

*The committee met at 1301 in committee room 1.*SUPPORTING ONTARIO'S TRAILS  
ACT, 2016LOI DE 2016 SUR LE SOUTIEN  
AUX SENTIERS DE L'ONTARIO

Consideration of the following bill:

Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts / Projet de loi 100, Loi édictant la Loi de 2016 sur les sentiers de l'Ontario et modifiant diverses lois.

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone. Welcome to the Standing Committee on the Legislative Assembly. As committee members know, we're here to discuss Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts.

ONTARIO FEDERATION  
OF ANGLERS AND HUNTERS

**The Chair (Mr. Monte McNaughton):** I'd like to call upon the first presenter today from the Ontario Federation of Anglers and Hunters. If you could come forward and introduce yourself for Hansard. You'll have 10 minutes for your presentation, followed by three minutes of questioning from each party, beginning with the official opposition.

**Mr. Greg Farrant:** Good afternoon, Mr. Chair, members of the committee and fellow presenters. My name is Greg Farrant. I'm manager of government affairs and policy for the Ontario Federation of Anglers and Hunters, the largest conservation-based organization in Ontario with 100,000 members, supporters and subscribers, and 735 member clubs across Ontario. We thank you for the opportunity to appear before the committee here today to speak to Bill 100.

Our organization not only represents the interests of our own members, but the entire outdoors community. As anglers and hunters, we rely heavily on trails and access routes to enjoy fishing, hunting and trapping activities on public and private lands. However, we are not just land and resource users. Our members are also landowners in their own right and land use permit holders who want to protect their land, their rights and themselves. Because of this, we're able to understand the interests of the entire spectrum of stakeholders and hope-

fully present a logical, balanced and reasonable perspective on this bill.

We start off by commending the government's intent to maintain and enhance opportunities for the public to use trails on both private and public land, while increasing protection for landowners who allow trails on their property. We are, however, concerned about the future of traditional activities that we engage in, like fishing, hunting and trapping, on these same trails. We are witnessing an ever-increasing trend in the number of trails that have been excluding these activities without justification. Many of the trails that we all enjoy today were historically developed in the first place and are still used by anglers, hunters and trappers to access or participate in these activities, which are recognized in both federal and provincial legislation as heritage activities for millions of Ontarians—aboriginal, non-aboriginal and new Canadians alike.

It is important that these trails remain available for multi-use, including those previous uses I mentioned. Trails not only provide opportunities themselves, but also serve as important routes for anglers, hunters and trappers to access other areas. These activities should not only be permitted on as many trails as possible, they should be celebrated and promoted as compatible activities on multi-use trails.

During debate around the bill in the Legislature, the member for Haldimand-Norfolk asked an important question: Why is the government wanting to register trail agreements now? To the best of our knowledge, no answer has been forthcoming. Historically, handshake agreements and written agreements between landowners and trail organizations—like the standardized OFSC trail agreement, those between hunters and private landowners and the agreement between OFAH and the Nature Conservancy of Canada—have been historically successful.

Having said that, we do recognize that there is value in establishing legislation that provides greater certainty for both landowners and trail organizations, and in the creation of a repository of available trails for public use. The potential for enhanced protection offered under the bill for the landowners who generously allow trail organizations to establish and maintain trails on their properties is important. This is particularly true in southern Ontario, where the majority of land is in private hands. Unfortunately, these benefits and those raised by the Ontario Trails Council previously have not, in our

view, been effectively communicated by the government, which has resulted in confusion and concerns being expressed by members of the Legislative Assembly, landowners and Ontarians in general.

The OFAH supports in principle the registration of easement agreements and the potential for third-party government involvement in the process between landowners and eligible bodies, as described in the bill. With the easement and the covenants being registered to the title, both the eligible party and landowner must follow the covenants. This would allow for third-party conflict management through the MNR or another ministry, providing an even playing field between parties and potentially keeping disagreements out of the court system, relieving an already taxed judicial system, reducing the time for conflict resolution and potentially eliminating an expense that many landowners and trail groups cannot afford.

The requirement in subsection 12(9) to establish a term for agreements gives landowners the ability to renegotiate at the end of the term, with the exception of easements “in perpetuity,” while recognizing that the land on which the trail easement exists still belongs to the landowner. If we understand the wording of the bill correctly, easement agreements will allow the landowner to have covenants in place, which the trail organization agrees to, that could call for renegotiation or cancellation of the easement given a cause, giving landowners the ability to maintain control.

As the land under the easement still belongs to the land title holder, it is critical that the assignment of an easement from one eligible body to another must require landowner involvement and consent. It is important that the government clarify this point in subsection 12(8).

We would note, however, that one of the potential drawbacks for landowners in the legislation is the requirement in subsection 12(13) that the purchaser of land on which an easement exists will be bound to honour that agreement, regardless of whether they agree with it or were party to it in the first place. Conversely, we also understand the position of trail organizations that do not wish to lose the access they worked very hard for in the event of a land transfer.

Therefore, we suggest that the government try to address this paradox by including provisions to ensure purchasers are aware of the easement, and that the easement holders and purchasers must renegotiate the easement during the closing of any sale.

It is critical for the act to maintain and clarify, if necessary, that the easement agreement process remains completely voluntary. While we acknowledge that this is indeed noted in subsection 12(3), given the amount of concern that was raised by both members of the Legislature during debate around this point and, indeed, by some of the affected parties themselves, it's important that the government does everything possible to offset this concern and emphasize the voluntary aspect of this process.

I think that it was the Ontario Landowners Association that raised an important point in connection with the

issue of eligible bodies. Clause 12(1)(m) defines an eligible body as “any other person or body prescribed by the regulations made under this act....” The government is asking us to take a lot on faith here, expecting us to put our trust in the fact that these nebulous regulations, which will be drawn up at some point in the future, won't contain and/or expand on the definition of eligible bodies that we and others cannot agree with.

In addition to the sections in the Ontario Trails Act that ensure landowner involvement with easements, Bill 100 also proposes changes to the Trespass to Property Act and Occupiers' Liability Act. These changes appear to provide a suite of tools for landowners to mitigate liability, as well as provide greater opportunity for landowners to get the remuneration needed to offset damages or loss in the event of trespass. These changes more clearly define responsibilities of trail users and landowners as it relates to trespassing and liability, while protecting both.

Some stakeholders have supported the concept of a mandatory minimum fine for trespass, which is reflected in the bill; we do not. Foremost among our concerns is that the imposition of a minimum fine undermines the concept of judicial discretion when assessing intent. Mandatory minimum fines could result in false prosecution if someone is unable to prove permission and is wrongfully charged in the case of a third-party reporting.

Ignorance is not a defence for trespass or any other violation, as it reflects poorly on responsible land users, but removing judicial discretion from incidents of accidental or incidental trespass will not solve the issue.

Given the current system, in conjunction with changes in Bill 100 giving landowners a greater ability to recover losses due to damage, there is no justifiable reason to implement a mandatory minimum fine.

Beyond our concern with that issue, we have previously supported our colleagues at the Ontario Federation of Agriculture with respect to increased fines for trespass under Bill 36, that proposes to increase fines and includes a much higher defined ceiling for awarding damages. We therefore recommend that a ceiling for awarding damages be included in this bill, as opposed to leaving it undefined.

The OFAH understands the importance of all land use and access values. As such, we would like Bill 100 to recognize and protect motorized trail values on both private and public land to the same extent that non-motorized trail values are. The bill should give clear direction that all trail uses, including fishing, hunting, trapping and use of low-impact motorized vehicles, should be included as permitted uses, unless there is legitimate evidence to restrict these uses.

#### 1310

Trail use decisions should also require comprehensive rationale to explain why trail use restrictions have been put in place and what strategies were explored to mitigate any real or perceived concerns with particular trail uses. This direction is required because of the unjust bias that has resulted in the unnecessary elimination or exclusion



of fishing, hunting, trapping and motorized activities on many Ontario trails. For example, hunters who previously accessed hunting opportunities along the Kissing Bridge Trailway in Kitchener, the Tillsonburg rail trail and the Upper Grand Trailway are now denied access. There are many existing trails where these activities work well with multiple trail uses, and they should not be discriminated against.

We support in principle the proposed changes to the Public Lands Act that will protect crown land by offering a course of action other than widespread access restriction for damages that occur. Our understanding is that this amendment stems from the lack of regulatory powers under the PLA for government officials to stop or lay charges for damage to crown land. Their only current option is to remove public access to prevent further damage, which in effect punishes everyone because of the actions of a few. An amendment would ensure that the area remains open while the individuals responsible for the damage are dealt with.

However, it is our understanding that the definition of “damage” is also to be developed in regulation. Once again, we sound a cautionary note when it comes to definitions that will be developed at a future date. We are concerned that a restrictive definition of “damages” could severely impact on ORV uses on crown land. Because of this, we want to ensure that the definition of “damages”—

**The Chair (Mr. Monte McNaughton):** Mr. Farrant, I’m sorry. That’s the 10 minutes.

**Mr. Greg Farrant:** Okay.

**The Chair (Mr. Monte McNaughton):** We’re going to move to questioning now from the official opposition: Mr. Clark.

**Mr. Steve Clark:** Thanks for being here today. Because you didn’t have an opportunity to finish your final comments about your concerns about the warrantless arrest and the impact, do you want to just continue with some of your final concerns to the bill?

**Mr. Greg Farrant:** I appreciate that. I’ll try to be very brief, Mr. Chair, and it is in the written copies that we have provided to the Clerk.

The final concerns I’ll outline are concerns with warrantless arrests under schedule 5 and the preamble in schedule 1, which stipulate that the minister is required to maintain an Ontario Trails Strategy and must review the strategy and publish reports about the progress made in implementing such strategy. The latter appears to be contradicted by language in subsection 8(1), schedule 1, which gives the minister far more discretion in terms of reviewing the strategy and reporting. We respectfully suggest that the language and intention of the two sections should be reconciled in favour of the former. Thank you.

**The Chair (Mr. Monte McNaughton):** Two minutes.

**Mr. Steve Clark:** Thanks. I just wanted to go back the consultation aspect of this bill when it was initially brought forward. Were you included as part of the groups

that the government consulted with when they dealt with this issue?

**Mr. Greg Farrant:** To the best of my knowledge, only insofar as we responded to the EBR posting originally, but other than that there were no discussions between OFAH and the government.

**Mr. Steve Clark:** Okay. And in terms of the issue of “voluntary,” you’re recommending as well that even though the minister and others say that the legislation is clear, you’re still, like many other groups, advocating that there would be some changed wording to strengthen the fact that those agreements are voluntary?

**Mr. Greg Farrant:** That’s correct. It was clear from watching the debates in the Legislature and from talking to our colleagues in other sectors, like agricultural and trail use sectors, that there’s still a lot of confusion about this. In fact, in reading the debates, there seemed to be a preponderance of discussion around that particular issue, that it wasn’t clear. If nothing else, I think it’s incumbent upon the government to ensure that people understand that these are voluntary agreements and that nobody is going to be forced into it.

**Mr. Steve Clark:** Do I still have time?

**The Chair (Mr. Monte McNaughton):** Twenty seconds.

**Mr. Steve Clark:** In terms of the fines, you’ve been pretty clear at the very end where you stand.

**Mr. Greg Farrant:** We certainly support increased fines for trespass. We don’t support a minimum fine because we have had judges tell us that that ties their hands. So regardless of what the circumstances may be and what the extenuating issues at hand are, they have no choice but to implement that and they feel very uncomfortable with that.

**The Chair (Mr. Monte McNaughton):** We’ll move to the third party now: Mr. Miller.

**Mr. Paul Miller:** Good afternoon. In your opinion, would greater public consultations and hearings in rural and northern Ontario have been beneficial for the bill and for the maintenance of existing trail use and agreements? Would it have been beneficial?

**Mr. Greg Farrant:** Very much so. I think that not only should the consultation process have been much more elaborate and much more far-reaching, but I also believe that this committee should have travelled.

**Mr. Paul Miller:** Thank you. Has the introduction of this bill resulted in any reduction of access to trails for your members, and if so, have any regions in particular been affected? What would you say has been the principal problem around the communication around the bill?

**Mr. Greg Farrant:** Mr. Miller, I appreciate the question, but I cannot in all honesty say that I can point to a specific trail or a particular piece of land which has been removed as a result of this bill. But we are hearing anecdotal evidence from our members, particularly in south-western Ontario, that they are hearing from private landowners that they normally have had good relations with—for decades, in some cases—who are now becoming very nervous that they will have to undertake

very complex written agreements that they're not comfortable with.

We find anglers and hunters, for the most part, are hunting on private lands, particularly in southwestern Ontario, that they've hunted on for many years or decades—in some cases, it's generational—and it has been done on the basis of a handshake. When you start getting into written agreements with farmers and other landowners, quite often they'll throw up their hands and go, "You know, okay, it's getting a little too complicated for me here. I was fine with the way it was before, but this is starting to look a little too"—

**Mr. Paul Miller:** So in reference to—sorry for interrupting.

**Mr. Greg Farrant:** No, that's fine.

**Mr. Paul Miller:** The provision to allow assignment of easements has caused particular problems for landowners, because they're concerned about costs and lawyers and enforcement and regulation. Like you said, a lot of these things have been handed down through families for years for a handshake or an agreement with a local conservation authority, or these other types of situations, which made it a lot easier to negotiate. So you think this has caused a grave concern to some of the landowners?

**Mr. Greg Farrant:** I think it's going to greatly complicate the process in that respect, and there will be people who will withdraw their permissions on those lands, yes.

**Mr. Paul Miller:** Thank you.

**The Chair (Mr. Monte McNaughton):** Any further questions? Mr. Mantha.

**Mr. Michael Mantha:** Greg, you have a vast amount of members within the OFAH who are very knowledgeable about the outdoor experience and having access to our traditional areas. We pick flowers and blueberries; we fish, trap and whatever. What are the consequences of this not going out for proper consultation?

**Mr. Greg Farrant:** I think what you're going to end up with is a lot of concern. I'll be fair: Some of it could be unjustifiable concern, because people don't understand what this bill is all about. The reason they don't understand it is because it hasn't been in their communities. They haven't had those discussions, and nobody has consulted them. When you start talking about groups the size of the OFAH, that's considerable.

**The Chair (Mr. Monte McNaughton):** Mr. Farrant, we have to move now to the government, and Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you very much for being here today. I just wanted to talk about a couple of different things. The first part is about the consultation, and I just wanted to make sure that it is read into the record that we have spent a long time consulting on this bill. We had 250 in-person conversations with stakeholders, including 80 municipalities, aboriginal groups, trail organizations and landowners. I just wanted to make sure that that is on the record as we go through this bill.

But outside of that, the Ontario Federation of Anglers and Hunters, as we have heard, has over 100,000 members and subscribers. During the process of discussion on this bill, we've heard from witnesses like the Bruce Trail, who have articulated that the easements will help them expand the trail network in our province. My question for you is, how does greater access to trails positively impact the members and subscribers to the OFAH?

**Mr. Greg Farrant:** Obviously, any opportunity to expand trail use is something that is a very positive influence for our members. Unfortunately, that's not what we have been seeing in recent years in terms of access roads on crown land being shut. We are now currently having difficulties with MTO in terms of shutting off entrances on highways where people used to access off-road capabilities. I cited, within my document, three examples where hunting and fishing used to be provided and have now been shut off. In the written submission that we provided to the Clerk, I believe we attached a photo of one of the more recent ones, which indicates that you can certainly use a snow machine on those trails, but you can't use an ORV or an ATV and you can't hunt.

1320

**Ms. Sophie Kiwala:** I think the other thing that I wanted to stress as well, in the recorded comments on this bill, is the fact that there are measures that are built into Bill 100 whereby additional voluntary agreements will be there—and they will be voluntary. It's our belief that it will support the expansion of trail infrastructure and trail use in the future in our province, so I just wanted to add that comment.

**Mr. Greg Farrant:** I appreciate that. Again, it's a case of who is going to be able to access those trails. There's no disagreement with the fact that the expansion of trails is a good thing and that if this bill facilitates that, it's going in the right direction. The problem is, are those going to be multi-use trails or are they restricted uses? That's where we have a problem.

**The Chair (Mr. Monte McNaughton):** Mr. Farrant, thank you very much for your presentation today.

## ONTARIO LANDOWNERS ASSOCIATION

**The Chair (Mr. Monte McNaughton):** We'll now move on to the next presenter, the Ontario Landowners Association. Good afternoon. If you would please introduce yourself for Hansard. You'll have 10 minutes for your presentation, and this round of questioning will begin with the third party.

**Ms. Elizabeth Marshall:** Good afternoon, members. My name is Elizabeth Marshall. I am not a lawyer and I do not give legal advice. I have published many reports respecting various pieces of legislation etc., as well as a book on property rights. I do legal research for Green and Associates Law Offices, and I've had my research used by other law firms. I'm the director of research for the Ontario Landowners Association and do legislative research for officials, including MPs, MPPs, municipal



councils etc. In 2012, I was elected to the board of directors of the Canadian Justice Review Board, and in 2014, I was appointed to the steering committee of the International Property Rights Association.

Because Bill 100 does not meet the standards of construction for legislation, we have rewritten Bill 100. In the rewrite, we have, in schedule 1—the Ontario Trails Act, 2016—created a preamble. We have removed unneeded sections and clarified certain aspects of the bill. We have also removed the amendment to the Trespass to Property Act because this is of little benefit to the property owner. Any amendments to the Trespass to Property Act should be done separately for clarity. We have also removed the amendment to the Public Lands Act, as this amendment has nothing to do with private property or trails across private property.

We respectfully submit to the committee the rewrite of Bill 100 for the committee to consider. We have asked that consultation meetings be set up throughout rural Ontario to hear from those who are most directly affected, meaning the private property owners.

In the original schedule 1—the Ontario Trails Act, 2016—in section 1, “Interpretation” has only a purpose clause. In the construction of legislation, the purpose clause cannot be part of the interpretation. In our rewrite, we have removed the majority of the eligible bodies as most of them have very little to do with trails and more to do with conservation easements. This can be done through the Conservation Land Act, if the private property owner is inclined to do so. Therefore, there is no need for them to be included in the definitions of “eligible body” or “nominee.”

Section 1, subsection (2) specifies that all previous agreements, verbal or written, become void at the passing of this act and that there must be all-new easement agreements entered into.

Section 1, subsection (3) is to ensure that any new agreements are designated as easements and the title of the agreement states that the agreement is an easement and the word “easement” must be identified in large bold font at the top of the document.

Section 2 is the purpose clause of the act, and we have added to it part 5, the true purpose, which is to create easements for the creation and protection of the trail system.

Section 3, subsection (1) is the protection of aboriginal rights under section 35 of the 1982 Constitution.

Section 3, subsection (2) is the protection of the private property owner’s rights under section 26 of the 1982 Constitution.

Section 4, subsections (1) and (2) is for the Minister of Tourism to declare a Trails Week to be acknowledged in the province.

Section 5 allows for the Minister of Tourism to recognize a trail as an Ontario trail of distinction by a plaque to be installed at the entrance of the trail.

Subsections 6(1) and (2) allow the minister to voluntarily classify certain trails, and this may be done only after an easement has been voluntarily granted and registered under the rules of easements in section 9.

Section 7: The minister must create a plan for the establishment of trails through means of voluntary easement agreements which include the input of the trail associations, the municipalities and, most importantly, the private property owners for the management and promotion of trails. The minister must also do progress reports under this section.

Section 8 specifies what the minister must publish on the Ontario government website regarding trails of distinction, trail classifications and any plans established inclusive of the minister’s reports.

Section 9 lays out the rules for the easements for the protection of the private property owner, as well as the eligible body or nominee. This includes that the easements shall only be voluntary and non-transferable and shall only be allowed after full disclosure by the eligible body or nominee to the private property owner; and that the agreement must have at the top in the title the word “easement” in large, bold font easily distinguishable to the reader, and only after a survey has been completed by a certified surveyor.

Section 10 explains that section 9 is applicable to any land owned by, or to lands administered under, the Conservation Authorities Act, the Public Lands Act or the Provincial Parks and Conservation Reserves Act.

Section 11 expresses that the Lieutenant Governor in Council may make regulations describing aboriginal communities or organizations for the purposes of section 1 under the “eligible body” definitions.

Sections 12 and 13 are the same as the original sections 15 and 16.

Bill 100 is not conducive to a trail system in Ontario, and it’s the government trying to regulate something which had not historically needed to be regulated. In the words of Kurtis Andrews, lawyer, “It is obvious that the sole purpose of the bill is to take away property rights from property owners.”

Had the government been sincere in their efforts to create a bill that is for the benefit of both the private property owner and the various trail associations, the government should have had consultations with all parties involved. This did not happen nor is it happening now.

There are no scheduled meetings in the rural areas to hear what the private property owners have to say regarding this bill. Even the honourable Mr. Potts, during debate on Bill 100, stated, “We need to hear more from ... those who are most directly affected by this bill.” As committee has been called, within nine days of the bill passing second reading, in Toronto for only two days, where is the input from those directly affected? This did not give people time to make application to present at committee. Considering that there are over 65 other bills waiting for committee presentation, one would think there is some kind of an emergency included in this bill to receive this expedited treatment.

Also, the Minister of Agriculture could have advised his fellow MPPs that this is the time when those from the farming community are planting their crops and are on a very restricted schedule. It would seem that the govern-

ment and those supportive of the bill do not want to hear from those who are most directly affected by this bill.

In support of our concerns we cite the Supreme Court of Canada ruling, *Hill v. Nova Scotia*, which has been cited some 79 times, showing that an easement can be a verbal agreement created between two parties and enforceable on those parties. The vagueness in the Ontario Trails Act has allowed for the implementation of all forms of easements to be registered.

From *Hill v. Nova Scotia*: “The representation that he had an interest in land, which closely resembles an easement ... in the present case ... it does not matter so much what was said. What is critical is what was done; and what was done was the construction and maintenance of access ramps....

“This became known as the doctrine of part performance—the ‘part’ performance being that of the party who had, to the knowledge of the other party, acted to his detriment in carrying out ... his own obligations (or some significant part of them) under the otherwise unenforceable contract.”

“A verbal agreement which has been partly performed will be enforced.”

There is available to private property owners the option of leasing their land to the various trail associations, ensuring that there is no confusion that the property owner had not granted an easement. Of course, the trail association would have to pay some form of rent to the private property owner and the lease would be at the instruction of the private property owner, not the eligible bodies or nominees. As for insurance, the Occupiers’ Liability Act will still apply.

Suffice it to say, the trail associations and the property owners have two choices: easements or leases. This is for the protection of the private property owner and the trail associations.

Thank you for your time and consideration on this matter.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We’ll move to Mr. Miller.

**Mr. Paul Miller:** Good afternoon. How are you? Mr. Hillier is a former prominent member of your organization. We’re getting mixed messages on this.

**Ms. Elizabeth Marshall:** Mr. Hillier hasn’t been for a long time.

1330

**Mr. Paul Miller:** Just let me give you his quote, okay?

**Ms. Elizabeth Marshall:** Sorry.

**Mr. Paul Miller:** He said, “Bill 100 does not grant any new authorities over private land, nor does it infringe or impair private property rights.” Do you agree with that statement?

**Ms. Elizabeth Marshall:** No, I don’t, considering the Supreme Court has already ruled.

**Mr. Paul Miller:** Many of our members in the NDP have asked for a clarifying provision to be added with the body of the bill, stating explicitly that an easement pursuant to Bill 100, if passed, would be a voluntary agree-

ment between a landowner and an eligible body or bodies. No property owner would be compelled to provide an easement unless they agreed to do so. Do you think this would be a beneficial amendment to the bill and provide greater clarity to the landowners?

**Ms. Elizabeth Marshall:** Yes, I do.

**Mr. Paul Miller:** Thank you. The third thing is, how frequently has your organization been consulted, before and throughout this legislative process?

**Ms. Elizabeth Marshall:** We haven’t been.

**Mr. Paul Miller:** That’s not good.

Would you like to see section 12 of this bill, which kind of deals with easements, removed entirely from the bill?

**Ms. Elizabeth Marshall:** Yes, I would.

**Mr. Paul Miller:** Or do you want to see the bill, in its entirety, withdrawn?

**Ms. Elizabeth Marshall:** Actually, for the benefit of the trails system as well as the private property owner and the Ontario Federation of Anglers and Hunters, I would like to see Bill 100 gone.

**Mr. Paul Miller:** My final question is, do you agree that there could be some circumstances in which either a time-limited or permanent easement could be mutually beneficial to both a private landowner and a trail user organization?

**Ms. Elizabeth Marshall:** Actually, yes, I do. But that would be up to the trail association and the private property owner, because there is nothing now stopping any private property owner and any trail association from entering into that agreement to have it registered against their title.

**Mr. Paul Miller:** Thank you. I think Mr. Mantha has a question.

**Mr. Michael Mantha:** There are many times—actually, often—that I don’t agree with Mr. Potts, but I do agree with this one comment that you quoted, as far as we need to hear more from individuals, and those are the most directly affected by this bill. I completely understand that. That’s what has to happen.

The relationship between landowners associations and those who use the trails has always been a good one. This has lit a fire, basically, hampering and actually tarnishing that relationship. Would you agree with that?

**Ms. Elizabeth Marshall:** Most definitely.

**Mr. Michael Mantha:** In order to continue having that great, harmonious relationship—because we’re all part of the same community and we’re all part of the same network; we all want to see good investment tourism and economic development—what needs to happen today in order to make this a successful bill?

**Ms. Elizabeth Marshall:** To be perfectly honest, that is why I rewrote the bill. I wanted to be perfectly clear.

**The Chair (Mr. Monte McNaughton):** Ms. Marshall, sorry to cut you off. It’s the three-minute point. We’ll move to the government and Ms. Wong.

**Ms. Soo Wong:** Ms. Marshall, thank you for being here today. I have two questions for you. I understand that the opposition member Mr. Walker has publicly



stated in his news release support of Bill 100. Minister Coteau has also said on numerous occasions that the easement in Bill 100 is voluntary. Numerous lawyers from the various ministries—MTCS, MAG, MNRF, MMAH—and other legislative counsellors are saying that the easements are voluntary. I want to ask you, through you, Mr. Chair, to the witness, who in the OLA is getting legal advice on the issue of easements?

**Ms. Elizabeth Marshall:** Kurtis Andrews, who is a lawyer in Ottawa, volunteered his legal opinion. Terrance Green also went through Bill 100 and volunteered his legal opinion. Having read through the Supreme Court of Canada case—plus, if you go to Duhaime's website, that will explain to you the definition of "easement."

**Ms. Soo Wong:** I have how much time, Mr. Chair?

**The Chair (Mr. Monte McNaughton):** Almost two minutes.

**Ms. Soo Wong:** Oh, good. I get to ask more good questions.

On page 5 of your written submission, you made a comment in your remarks to us today that you probably want more consultation, and "Why is this bill such an emergency?" and expedited treatment by the government.

I've got the summary of the consultation by the ministry from November 18 to November 28, 2013. There were five regional sessions on this particular bill and two aboriginal engagement sessions for Toronto and Thunder Bay with a total of 251 total attendees. I also noticed that in this listing of the attendees, there's a group called the Landowners.

You're saying to us, as a committee, that you want more consultations. The question here I have, on behalf of the government side, is what other groups besides yours—because obviously, you represented landowners. What other groups, and how long do you want to delay the passage of Bill 100?

**Ms. Elizabeth Marshall:** It's not the groups. It needs to go out to the rural municipalities. There need to be open public meetings in regard to this. These are the private property owners which—the government wants trails across their property. It's no stakeholder group. And not only that, but where exactly were all those meetings held?

**Ms. Soo Wong:** My understanding is that there were meetings in Ingersoll, Thunder Bay, North Bay and on aboriginal reserves. As well, there were trail organizations, municipalities, health organizations, and both federal and provincial government groups and tourism organizations.

Specifically, you're saying that you want the government to go out to do more consultation with landowners. That's what I'm hearing.

**Ms. Elizabeth Marshall:** That's right.

**Ms. Soo Wong:** Okay. In specific neighbourhoods or municipalities?

**Ms. Elizabeth Marshall:** I think you're going to have to go through the north. You're going to have to go—

**The Chair (Mr. Monte McNaughton):** Ms. Wong, Ms. Marshall—

**Ms. Elizabeth Marshall:** Sorry.

**The Chair (Mr. Monte McNaughton):** We're past the three-minute mark. Thank you very much for your presentation today.

We're going to move now to the Ontario Federation of 4 Wheel Drive—

*Interjections.*

**The Chair (Mr. Monte McNaughton):** I'm sorry. I apologize. We're going to the official opposition for three minutes.

**Mr. Steve Clark:** Chair, please. Chair, don't short me all the time.

**The Chair (Mr. Monte McNaughton):** I'm cutting out my colleagues. I'm sorry. Mr. Clark.

**Mr. Steve Clark:** Thank you, Chair, for recognizing me.

Good afternoon, Ms. Marshall. Thank you for being here. I appreciate the work that you've done to rewrite the bill.

One of the things you didn't mention at the start—just to give the committee a perspective—is that you didn't talk about the Ontario Landowners Association and how many members you have, how many chapters you have. I think that's pretty important for the record, to understand just who you represent. Could you give me a quick snapshot on that?

**Ms. Elizabeth Marshall:** We have 22 county groups. We don't normally talk too much about memberships, because they're family memberships, but suffice it to say that the Carleton Landowners Association itself has 1,500 family memberships. There are literally thousands upon thousands of people who are members of the Ontario Landowners Association.

**Mr. Steve Clark:** I wanted you to put that in perspective because the government, when it talks about its consultations, likes to talk about 251 people who were engaged.

**Ms. Elizabeth Marshall:** That's right.

**Mr. Steve Clark:** A number of us have put on the record that you need to have those property owners who have those existing voluntary agreements; you need to have talked to those people. I guess our frustration here, on the opposition side, is we asked the government to have some consultations in the north, and again, all we got was two days in Toronto. I couldn't even get the internal politics of this place to switch rooms so that we could actually live-stream it to some people in rural Ontario. It's very frustrating.

Patrick Connor from the Ontario Trails Council made a comment at our last hearing about engaging the landowners at a particular meeting in Almonte. Could you enlighten us on that particular consultation meeting?

**Ms. Elizabeth Marshall:** Patrick came to the Almonte meeting, and we let him have his say. He was not well received, because Patrick is so focused on the protection of the trails and the trail associations that it would seem he is forgetting—and I think he's beginning to realize his mistake now—the private property owner,



the key component in this entire formula of having trails in this province.

**Mr. Steve Clark:** You've spent a lot of time redoing the bill. Obviously, I wrote to the minister right at the very start, when I found out that second reading was going to begin for this bill, and asked that it be pulled off the table for consultation. Do you still believe that there needs to be consultation, given the fact that the government—they've put a few letters to the editor in the papers, but do you actually think people out there understand what this bill is proposing and what it could do?

**Ms. Elizabeth Marshall:** They are of the opinion that either the bill dies or it gets substantially changed, or there will be no trails. That's what we're hearing.

**The Chair (Mr. Monte McNaughton):** Mr. Clark, that's three minutes.

**Mr. Steve Clark:** Oh. Sorry.

**The Chair (Mr. Monte McNaughton):** Now I know we've done the rotation. Thank you very much for presenting today.

**Ms. Elizabeth Marshall:** Thank you.

#### ONTARIO FEDERATION OF 4 WHEEL DRIVE RECREATIONISTS

**The Chair (Mr. Monte McNaughton):** We'll call upon the Ontario Federation of 4 Wheel Drive Recreationists. If you'd introduce yourself for the committee. The questioning this time will begin with the government. You have 10 minutes for your presentation.

**Mr. Peter Wood:** Thank you very much. I appreciate the opportunity to present to you today.

Just a little bit of background on our activity and our organization. The Ontario Federation of 4 Wheel Drive Recreationists is an umbrella organization representing approximately 19 four-wheel-drive clubs and individual members. The activity is the four-wheel-drive activity for recreation in itself and also for use of four-wheel-drive vehicles in pursuit of other recreational activities involving access to remote areas.

1340

The activity itself is the safest form of motorized recreation. Since inception, originally under the name of Northern Lights Trailriders Association, we've had no fatalities and no serious injuries from any of the clubs or membership of the organization. The reason we believe that is because the vehicles are built to highway standards, so essentially it's a highway vehicle; you've got trained drivers who are operating the vehicles; and it's a very-low-speed activity. They negotiate the trails at a pace which is significantly lower than typically other forms of motorized recreation.

It's a very diverse membership. We have people who go on longer trips, called overland trips, that could be cross-continental or international, or it could be just through the province. There's the concept of gravel travel trips, which are just essentially long-distance, not particu-

larly difficult routes. Then, there is the more challenging end of the spectrum.

It allows for people who are physically challenged—it provides a great opportunity for those people to get into remote areas—and people who may have other challenges that could be age-related. We do have some older members.

With regard to our organization, we're very focused on ensuring sustainability of the recreation. We're very big on joint projects and working with the Ministry of Natural Resources, the Ministry of Tourism, Culture and Sport and also other local organizations and other trail groups.

I've provided a handout here. I just want to touch on a couple of the partnerships that we've been involved in which have been successful. The off-road vehicle initiative, that was something that we worked with the MNR on to get under way. This actually started back in 2010. We were one of the founding organizations.

There is a lot of misunderstanding that occurs from time to time. When there's an opportunity to bring people together in a forum where they can sit down and discuss their concerns, then what we find—and it's proven to be successful—is that once we have greater understanding and greater co-operation, a lot of those concerns and issues go away.

I've mentioned the off-road vehicle initiative. That is one that's hosted by the MNR. Essentially, now, there are three MNR districts involved with that, along with the OPP and a growing number of motorized organizations.

In addition, and independently, we've set up our own five points trail user group, working with trail organizations in a particular area of crown land in central Ontario. That has been extremely effective. You hear trail organizations complaining about funding and the ability to be able to get the job done. Well, I think there's a great opportunity to be able, through co-operation and through sharing of resources, to efficiently do that. We've had a very successful program that has grown well. It provides a communication opportunity and also a way to do trail work efficiently.

I've included some examples of trail-building investments. This is just for 2015, by way of example. We are purely a volunteer organization. We have very limited funding. Our membership fees are low. Our focus is on getting membership there, so that we can get the message out regarding responsible trail use. So it's more about inclusion and involvement than it is about creating funds.

Bill 100: With regard to consultation, we understand that consultation has gone on. We have been to some of the public meetings. I did provide comment on the EBR postings. But a bone of contention I've had for some time is the fact that I don't think the crown land trail community were adequately represented. There is the Ontario Trails Coordinating Committee, which was a steering group. We did make requests to have a seat on that and to try and bolster that crown land interest. That wasn't accepted. We've got significant engagement with other crown land trail user groups in the central Ontario area



and they do feel similarly, that the crown land trail user community weren't well represented.

The key points of the Public Lands Act change—I think this point's already been made, but essentially we're reiterating it—the key piece to this is the regulation. All the act itself does, really, is enable the regulation, so until the regulation, there is an opportunity to consult on the regulation and understand what the content in that is. It's very difficult to pass any judgment on that.

With regard to trespassing, we're just wondering if the fine schedule is the issue here. Is that the effective strategy? We're just wondering what evidence has been presented that the current limits are inadequate. Is there a case history to show that fines approaching the current \$2,000 have actually been imposed and that repeat offenses still occurred afterwards, or is this simply a request that came from stakeholder consultations? There's a move towards evidence-based policy-making. We would suggest justification beyond community request would be required.

Minimum fines: We do not support minimum fines. On this matter, we've got a judicial system that's very capable and we think that something like a trespass can more than adequately be dealt with by the judicial system. Also, it may get in the way of a conviction.

Also, with regard to the removal of the \$1,000 damage limit: We understand that the \$1,000 damage is very, very low. We appreciate that, but to just simply remove it and provide a blank cheque does seem a little bit out of step with what we consider to be the norm. It seems a very dramatic change. There are no caps at all. That's very unusual. If you look at the likes of the motor vehicle situation, there are caps associated with that. The guidelines regarding what constitutes damage and how that's arrived at—there is no mention of that at all in the bill. There is no attempt to try and address that.

With regard to trespass, we understand the concerns. We understand that in farming areas, rural areas and urban areas, trespass is a clear situation in most cases. You know where the boundaries of private property are because it's visible; there is no dispute. When you get moving to crown land areas, that is a lot more difficult to ascertain. In fact, there are examples where trails and roads exist across private land. Forest roads exist across private land and have been in use for many years by landowners in the area. They are not marked. Money has been invested in trail work immediately surrounding those areas—significant money, including money that has been supported with an NTC grant. Subsequently, a new landowner has come in and those areas' routes have now been interfered with because of that private land section that it now crosses.

This is a concern. We think a more effective strategy regarding trespass is transparency. I know the trail organizations have experienced frustration and tried to understand where some of these boundaries occur, especially in more remote areas, in crown land areas. There is the Land Information Ontario system. We think much more work can be done simplifying that and

consolidating that with other informational resources like northern development and the aggregate resources.

Aggregate resources are an issue that's come up very recently. There are some properties that are under a permit for aggregate. They've been under permit since 2010. For those areas, there's been no activity, no posting—there's nothing. The permit was applied for. The permit was given. There's been nothing happening there since 2010, but because that permit has been issued, essentially the disposition of rights occurred when the permit was issued. That shouldn't be the case. It should be when the operation comes into effect. There can be gaps of up to 10 years, and potentially more, when those operations occur. Sometimes the operations may not occur. Meanwhile, technically speaking, the organizations are committing trespass.

1350

**The Chair (Mr. Monte McNaughton):** Mr. Wood, that's the 10-minute mark. Thank you.

We're going to move to the government and Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you, Mr. Wood, for coming to present to committee today. I do want to commend you and all of the other individuals who have come forward to speak to this bill. You're obviously not from this country and you've taken such an avid interest in our trails, and I do commend you for that. Thank you for coming to speak to the bill and committee.

I wanted to touch a bit on trail easements. We have had a lot of input from various witnesses and organizations, as has already been heard by the committee today. Particularly on the section that would grant trail organizations the ability to hold easements, do you believe that allowing trail organizations to hold easements will improve access to Ontario's trail network?

**Mr. Peter Wood:** I think it's proven to be a bit of a hindrance, actually, because it is a very inflexible system. I can appreciate and I'm very aware of trails organizations' desire to have long-term access. Once properties—particularly when they change hands, suddenly, there could have been some investment in trails, which involves private land, and suddenly there's a pinch point there, because you've got to renegotiate that agreement every time. That's understood.

Also, there is a danger associated with easements in that essentially, they reside with the property. Once they're established, they're very difficult to change. There is a significant amount of inflexibility in there. If an easement was granted, for example, for trail access, the situation may change over the years, and you may end up with a property owner who is presented with a property that's got an easement on it, and there may be some significant increase in use of that trail over time. So while it might not be a nuisance at a point in time, it may be a nuisance at a later point in time.

From an incentive point of view for the property owner, we can understand there is some reluctance to get involved with easements. Compounded with the fact that there isn't any great incentive associated with providing



those easements, it would seem as though the strategy that's being presented today could be refined somewhat.

**Ms. Sophie Kiwala:** How much time do I have?

**The Chair (Mr. Monte McNaughton):** Twenty seconds.

**Ms. Sophie Kiwala:** Twenty seconds, okay. Goodness.

With respect to signing, you've already mentioned a bit about the signs. What would you want to know with respect to minimum fines for trespassing, as suggested by the Ontario Federation of Agriculture?

**The Chair (Mr. Monte McNaughton):** And with that, we have to move to the official opposition and Mr. Clark.

**Mr. Steve Clark:** Hi. Thanks for being here. I appreciate your work on behalf of your members. How many members do you have in the province?

**Mr. Peter Wood:** We have 19 member clubs, which manage their own memberships, and then we've got an additional 400-plus individual members. We've got over a thousand members.

**Mr. Steve Clark:** I noticed you're very careful in your wording. On the page about Bill 100, it says, "We request that a review period be called and revisions made." What would you visualize? If you were the government House leader, what would be the review period that you would think this bill would need?

**Mr. Peter Wood:** I think there has been significant comment over this that you've received, and I think there's an opportunity to absorb some of that comment and then filter through it and think through it. There would be an opportunity to make some amendments. As it stands now, my impression with this is that there is a fair amount of dissent with regard to the bill as it exists.

**Mr. Steve Clark:** In terms of your member clubs, as part of that mere 251 people the government decided to consult with, were any of your members involved in that consultation directly? Did they solicit comments from any one particular club or any one area in the province?

**Mr. Peter Wood:** With regard to consultation, what we find is that—and this is the case with a lot of consultations relating to land use and the Lands for Life program, which was something that occurred back in the 1990s. Typically with these consultations, the public doesn't get involved, and it is difficult to penetrate and get notification to get involvement, so they do rely on the organizations. That's understood and it's a practical limitation that we all have to live with. I think once you do have organizations that have got key interests and do represent a significant sector of the population, there should be the opportunity to at least engage those people.

Just to reiterate, I did identify what I considered to be the lack of opportunity for the crown land user organizations, especially, say, in the north. You've got people who are—not only is it a recreational passion for them, it's also a way of life so they really need to have a say in this.

**Mr. Steve Clark:** Absolutely. Finally, you mentioned a couple of other acts that this bill doesn't address. How

would you propose that consultation on those changes be brought forward?

**Mr. Peter Wood:** I believe that they could be pulled into the trails act. These are very old—it was mentioned in the past about the Public Lands Act being a little bit stale and that's why there have been these suggested updates.

I think with regard to the Mining Act and the Aggregate Resources Act, these acts have essentially not been touched for some time and they are predominant-use acts. There seem to be pieces in there relating to trails, specifically—

**The Chair (Mr. Monte McNaughton):** Thank you, Mr. Wood. We'll move to the third party: Mr. Miller.

**Mr. Paul Miller:** Good afternoon, Mr. Wood. Will the amendments to the Public Lands Act and the Trespass to Property Act be of concern to respectful and responsible trail users, or do you believe that they strike a good balance between the interests of the landowners, including the crown, and the interests of the trail users?

**Mr. Peter Wood:** I'd like to deal with each of them individually, if I can. With regard to the Public Lands Acts changes, my point with regard to that is that it's a big unknown because it's all revolving around the regulation at the moment. Until the regulations are on the table for discussion, it's very difficult to speak to that.

**Mr. Paul Miller:** What is your opinion on the provisions of the bill allowing easements to be assigned or transferred? Would you like to see amendments to that?

**Mr. Peter Wood:** I think transferring easements, there is a risk associated with that. Clearly, there is use established during the planning phase of establishing the easement but there could be some opportunity for organizations to take advantage of that and maybe use it for nefarious purposes.

**Mr. Paul Miller:** So, yes, you could see some amendments that would help?

**Mr. Peter Wood:** Absolutely, yes.

**Mr. Paul Miller:** What do you see is the main problem with the existing trail use system that this legislation addresses?

**Mr. Peter Wood:** I think this bill, as it's put forward, addresses concerns primarily for managed trails across private land areas. That's the focus of it. The problem is that predominantly the trails, or the vast majority of trail use, occurs on public lands. The use on private lands, whilst it does get a lot of focus—I think the fact that there hasn't been radical consideration of the public land use is a concern.

**Mr. Paul Miller:** The common theme I see with a lot of presenters is that, no matter what organization it is, they feel that it would have been more beneficial to have more people involved in northern Ontario and across the province being able to voice their opinions on the bill and the lack of consultation. Would that be a fair statement?

**Mr. Peter Wood:** I think that would be a fair statement.



**Mr. Paul Miller:** Thank you. Do you have anything, Mr. Mantha?

**Mr. Michael Mantha:** Yes. The reliance on having a good relationship between landowners and the clubs that are using those trails means having access. Most of the landowners are going to err on the side of caution, not having clarity here. There's no other access for you to pass your trail, you need to go down this individual's trails, which you have been agreeing to for the last 20 years—great relationship. They're erring on the side of caution. What happens to your club?

**Mr. Peter Wood:** Sorry, the nature of your question—

**Mr. Michael Mantha:** What happens to your trail? It's the only trail that you have. It's been there for 20 years. Because of this bill, landowners are going to err on the side of caution and they're going to deny it. What happens?

**Mr. Peter Wood:** That is a concern and, obviously, practically speaking, people would have to get engaged in active communication, saying, "We don't want to go down the easement route."

**Mr. Michael Mantha:** But if we don't fix this, they're not going to change it.

**Mr. Peter Wood:** I think it's bad publicity. I think the net effect of this bill is negative.

**The Chair (Mr. Monte McNaughton):** Mr. Wood, thank you very much for your presentation.

I made sure we went around this time.

#### AVON TRAIL

**The Chair (Mr. Monte McNaughton):** We'll now call upon the Avon Trail. You have 10 minutes for your presentation. If you would just state your name for Hansard, please, and questioning this time will begin with the official opposition.

1400

**Mr. Bernard Goward:** Thank you, Chair McNaughton. My name is Bernard Goward, and I'm president of the Avon Trail, which is a hiking trail existing between St. Marys and Conestogo.

I apologize; I would have had handouts for you all, but I left them on the subway. They're on their way to somewhere and I don't think they'll ever return. So if any of you would like a copy of my comments, I'd be glad to make arrangements with Trevor.

Chair McNaughton and committee members, good afternoon and thank you for this opportunity. I would just say I do have my presentation on a BlackBerry—thank goodness for BlackBerry—so there you go.

First, let me say as a member of the hiking community, I am in favour of Bill 100, as I believe it addresses a number of measures that will strengthen and enhance the ability of providers and the benefits of participants in the recreational activity of hiking. I do, however, believe the bill can be improved, and that's what I wish to address today.

I appreciate the need for securing trails for future generations through a mechanism such as an easement, and that for some organizations this could be a valuable tool. However, I am not here to address the issue of easements and the media furor that has ensued with that introduction, with the exception of one arrangement with Wildwood Conservation Area, with whom we have an annual agreement. Permission with our 84 landowners to access their private lands is simply word of mouth and a handshake. For us, this has worked well in the past.

What would help the long-term sustainability of our trail would be a provincial government initiative that encourages rural landowners to partner with trail associations in allowing the development of trails on their land. My purpose today is to ask the Ontario government, with an amendment to this bill, to consider granting a tax credit to landowners who give permission for a trail to cross their property. This makes good sense, as both government and trail organizations share a common goal of promoting fitness and health amongst our society.

As I said, I'm president of the Avon Trail, which is a 111-kilometre single-file walking path connecting St. Marys to Conestogo. The trail was established in 1975, and we have recently celebrated our 40th anniversary. We have approximately 90 members and have some 84 landowners. Last year, our trail maintenance and construction crew logged over 600 volunteer hours in our efforts to keep our trail up to acceptable safe hiking standards. We organize and lead on average three hikes a month throughout the year, with anywhere from a dozen to two dozen participants per hike.

Part of the mandate of the Ministry of Tourism, Culture and Sport is to promote trails through the province. The Ontario Trails Strategy's vision, which I see on the website, sets out a bold objective. To quote that website, the vision is "A world-class system of diversified trails, planned and used in an environmentally responsible manner, that enhances the health and prosperity of all Ontarians."

Back in 1977, some members of the Avon Trail joined others in the hiking community in making a presentation to the Ontario Trails Council, in which they identified policies that would help create a healthy environment for trail-building across the province. One of the policies suggested at that time was a form of tax concession for landowners. Other policies that have been suggested to that council have been successfully implemented but, to date, to my knowledge, no form of tax concession has been implemented.

The Avon Trail is a proud member of the trails of distinction across Ontario. We are part of the Ontario network of legacy trails begun in the year 2000 under the initiative of Hike Ontario with funding by the Ministry of Culture and Recreation, under the Honourable Helen Johns.

Our trail is a link joining the Thames Valley Trail and the Grand Valley Trail. Some 68% of our trail is on private land, 15% is on conservation authority, and 32% is on country roads or highway.

Two ongoing priorities of our volunteer members are, firstly, to maintain our existing trails to Bruce Trail Conservancy standards, which is the gold standard in Ontario, and secondly, to gain new landowners so that we can get more of our trail off-road and onto the fields and woodlots of this beautiful part of southwestern Ontario. We presently have an effective landowner relations officer diligently pursuing this second goal. What a positive factor it would be, to be able to indicate to prospective landowners some gesture of recognition by the province of Ontario that that generosity on their part is recognized in the form of a tax credit.

Part of maintaining our trails is to be able to keep the landowners that we presently have. The continued existence of our trail is precarious. Just a short time ago, I received an email from one of our long-time landowners asking that the trail be moved off his land. This involved removing a 24-foot bridge, an investment on our part of approximately \$1,000. It's pennies, considering the budget that most of you folks deal with here, but in our jurisdiction, that's a hefty amount. Fortunately, there has been a good outcome to that particular situation. But in another case, dating from two years ago, we had another 24-foot bridge stranded on another section of lost trail. That landowner's request to reroute the trail resulted in us losing five other landowners, and an increase of over three kilometres of road walking.

Society has changed over the last 40 years, since when the trail was founded. When the trail founders knocked on farmers' doors, asking permission for trail access, in most cases the landowners were affable and agreeable and had few, if any, concerns about granting permission. A congenial handshake and a basic agreement that hikers stay to the edge of the cropped land, that we build stiles to cross fence lines and that we stay on the marked trail, was all that was needed to secure the trail.

Today, liability issues and other concerns have changed that. In many cases, the landowner with whom we had made the agreement has passed on. The younger generation, or perhaps a new owner, may not always be so ready to make that same agreement with us.

Our agreement with landowners includes the hikers' adherence to the trail users' code, which includes respect for the landowner's land and privacy; offering a complimentary membership and an invitation to our annual general meeting; and access to documents on our website of interest particularly to landowners. Some special initiatives have included an offer to plant trees on landowners' property, which we did to celebrate our 40th anniversary.

More could be done to show appreciation to landowners for their generosity. We believe that if there were some tangible incentive for the landowner forthcoming from the government in return for granting that permission, that would have a positive effect in reinforcing our efforts to secure and maintain our trail. It would also have the added benefit of enhancing both provincial and trail association objectives of promoting a healthy and active populace.

Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We'll move to the official opposition, and Mr. Clark, for questions.

**Mr. Steve Clark:** Thanks very much for your presentation. I appreciated your suggestions. It's nice that we can get some very positive suggestions about increasing trails.

I know you didn't want to wade too heavily into the—I think you used the word “furor.” But I think part of the reason why this bill doesn't include a positive incentive is because the government just didn't consult with people. They did basically the bare minimum. That's why we're here today.

1410

I'd be interested to know, in terms of your concept of a tax credit, would that only be given to a landowner if they took out a formal easement, or are you proposing that some credit system be dealt with on a voluntary basis?

You hit the nail on the head when you talked about how you had one landowner that went out of your volunteer agreement and it affected five others. This bill has done that in my riding of Leeds–Grenville. I've got 11 landowners. They've basically shut down the entire Grenville snowmobile trail.

How would you see this tax credit coming forward?

**Mr. Bernard Goward:** First of all, with none of our landowners do we have an easement arrangement. Even the arrangement with Wildwood is something special. It wouldn't fall under an easement. That's the only formal thing we sign every year; it's with the Wildwood conservation authority. Otherwise, all our landowners are volunteer.

I would see a tax credit certainly being made as a gesture of recognition to landowners whom we have volunteer handshake agreements with.

**Mr. Steve Clark:** In terms of the landowner that cancelled their volunteer agreement, do you think that the tax credit would have salvaged that agreement?

**Mr. Bernard Goward:** I'd like to say yes, but to be honest, I don't think so in this particular case. I think the request to remove our trail from his property came shortly after Bill 100 became news. Though he didn't cite Bill 100 in his objections to us being on his property, he cited garbage along the trail, which was just something that he chose to pull out of the air. We walk that trail all the time and there was no garbage. It was used as a convenient, maybe polite, thing to say. In that case, I don't think it would have made a difference. He had already made up his mind.

He has several properties and we were on one of his properties, but other municipal trails were pushing to be on part of his property and I think that was a pushback on his part. The easy solution was, “All trails off all my property.”

**The Chair (Mr. Monte McNaughton):** Great timing. We'll move to the third party now: Mr. Miller.

**Mr. Paul Miller:** From the feedback you've received, are there any components of this bill that could be



modified to make landowners and trail users more receptive while not taking away any of the benefits of the trail?

**Mr. Bernard Goward:** Modifications to the bill that would make landowners more receptive? Definitely. My point is that if there was some financial recognition in the form of a modest tax concession to landowners—

**Mr. Paul Miller:** Other than the financial thing you'd like to see, do you think that if there had been more consultation with the landowners in reference to clarifying to them the volunteer part of this bill and alleviating their fears of any potential easements, lawsuits or any liability, do you think more consultation to clarify would have been a lot better?

**Mr. Bernard Goward:** I am not aware fully of all the consultation processes that have taken place but our umbrella organization, Hike Ontario, I would say has been in the loop on this whole process. They have been consulted and they had input, so no.

I actually have heard stories of groups being asked to be part of consultation and refusing to because of their predisposition against—for various partisan reasons—which I think is unfortunate. I really can't speak to the full consultation process.

**Mr. Paul Miller:** So you would say from your perception it hasn't been too bad, but we've heard from many other groups that it has been not—

**Mr. Bernard Goward:** I recognize that, yes.

**Mr. Paul Miller:** How will this trail classification system and the recognition of trails of distinction benefit the users of the Avon Trail?

**Mr. Bernard Goward:** We're a small trail in the general mix of trails. Nevertheless, we always covet some publicity. The reference that I was quoting there was from a newspaper article in which that announcement was made. The then president of Hike Ontario was being presented and recognized by the Honourable Minister Johns for creating the legacy trail network.

Naturally, we take pride in that benefit. We promote our trails in various different ways in our local community. Any positive publicity as a trail we appreciate.

**Mr. Paul Miller:** Okay. Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much.

We'll move to the government and Mr. Anderson.

**Mr. Granville Anderson:** Hi, Mr. Goward. Thank you very much for your presentation this afternoon and for your support of Bill 100. You alluded to the fact that you have 90 members in your association. A lot more people use the trail than the 90 members, I would assume.

**Mr. Bernard Goward:** There are.

**Mr. Granville Anderson:** Roughly how many users would there be in a year?

**Mr. Bernard Goward:** How many?

**Mr. Granville Anderson:** Yes, roughly.

**Mr. Bernard Goward:** Well, it's very hard to put a number on that. We have a website. Our trail guide, interestingly, which we publish and sell, is bought province-wide and beyond the province. There is a very,

let's say, under-the-radar community of hikers who go far and wide to hike trails. So people can hike our trail without us being aware of them.

Dedicated hikers like to do what they call an end-to-end hike, and they like a little badge for it. I've obliged them with that. Those hikers, we say on our website, can do us the courtesy of letting us know that they're going to be doing an end-to-end hike, and want to be alerted to trail reroutes and so on. We get a number of those requests over the course of a year.

But for folks who just go out, who may not be members of our trail and hike the trail, it's hard to put a number on that.

**Mr. Granville Anderson:** I know that the Avon Trail has a number of bridges—you alluded that you have to remove one of them. These are all maintained by active groups of volunteers. We have heard from organizations, such as the Ontario Federation of Snowmobile Clubs, that easements help to protect investment in trails infrastructure. Do you feel that easements would help to encourage the development of more trails?

**Mr. Bernard Goward:** Well, I understand that for some organizations, particularly the Bruce Trail Conservancy, they're in a much different league than we are. We're a small trail. Easements would not benefit us greatly, financially or otherwise, but I can understand that for some groups, easements would be a benefit.

**Mr. Granville Anderson:** Okay. As a follow-up, I heard the Ontario Landowners Association allude to the fact that the sole purpose of Bill 100 was to take away property rights from landowners. Would you like to comment on that?

**Mr. Bernard Goward:** Um—

**Mr. Granville Anderson:** Sorry, I know you've been here throughout the three previous presentations. Any other aspect of those presentations, please feel free to comment on as well.

**Mr. Bernard Goward:** Is your question what my take is on the Ontario Landowners Association's view on easements?

**Mr. Granville Anderson:** Yes.

**Mr. Bernard Goward:** I must say that I think the Ontario Landowners Association has done a disservice to the hiking community—

**The Chair (Mr. Monte McNaughton):** Mr. Goward, that's all the time we have for your presentation. Thank you.

ESSEX REGION  
CONSERVATION AUTHORITY  
CONSERVATION ONTARIO  
ONTARIO TRAILS  
COORDINATING COMMITTEE

**The Chair (Mr. Monte McNaughton):** We'll call the Essex Region Conservation Authority to present. If you would state your name for Hansard, we'd appreciate that. You have 10 minutes for your presentation. This round of questioning will start with the third party.

**Mr. Richard Wyma:** Thank you. My name is Richard Wyma and I'm the general manager/secretary-treasurer of Essex Region Conservation Authority. I represent Conservation Ontario and the Ontario Trails Coordinating Committee. I'd certainly like to thank everyone for the opportunity to comment on Bill 100, the proposed Supporting Ontario's Trails Act.

The mandate of conservation authorities is to protect, manage and restore Ontario's woodlands, wetlands and natural habitat; and as importantly, to provide opportunities for the public to enjoy, learn from and respect Ontario's natural and cultural environment.

Trails are an important way to build that connection. In fact, Ontario's 36 conservation authorities own and manage over 270 conservation areas, including almost 2,500 kilometres of single- and multi-use trails, primarily within conservation areas, greenways and long-abandoned railway corridors and on some easements.

1420

I know during these debates there has been a lot of discussion on the economic and other related benefits of trails, and I won't get into that. I will say, from a conservation authority perspective, we are involved in trails to connect people to their landscapes and to other communities. Trails provide opportunities to experience nature, to increase our awareness of our cultural and natural heritage, to connect and protect natural areas, to support healthy active living—which saves millions of dollars in health care costs—and to encourage tourism and related economic benefits and opportunities. They increase the value of homes and communities; and, ultimately, are large contributors to quality of life in Ontario.

In short, when you connect people to each other and to the landscapes around them, they better appreciate the landscapes we live in, become more attached to them and help create stronger places. I see the act, the trails strategy and the work that has gone into those documents since 2005, further the intention. For these reasons, we support enhancement and support for trails and trail development in Ontario, and we support the creation of an Ontario Trails Act.

As part of our review and involvement in this bill and efforts related to the Ontario Trails Strategy, we did offer some comments and considerations through these processes that we feel will strengthen the proposed legislation and the ability to further the purposes of the act. I'd like to speak to those comments this afternoon.

We support the designation of a trails week and look forward to participating in this. We believe, through this designation, the proposed Bill 100 will bring higher profile to the value of trails beyond the trails community and, as such, is welcome. We note that the planned week coincides with International Trails Days and Conservation Ontario's own efforts regarding Healthy Hikes. There's an opportunity to foster greater widespread recognition of the presence and significance of trails in the province. We, in the Essex region, are also working internationally with our partners across the river to promote international trails.

The act provides opportunity for the minister to recognize trails of distinction, which we also support as another opportunity to highlight and profile our trail resources. We would, however, suggest that the act provide greater clarity around criteria that would qualify a trail to be considered a trail of distinction and how trails are to be nominated and selected. For example, is a trail-of-distinction program intended to be an annual event? Is there an opportunity to create a program that highlights trails that exhibit special natural, cultural or recreational heritage permanently, such as the Canadian heritage rivers program?

We also support the establishment of a trails classification system and the establishment of related best practices. This approach will help clarify user experiences and user expectations, including design standards, management and operations, associated infrastructure and potential liabilities. We recognize there are challenges in establishing such a classification system, and we look forward to working through the Ontario Trails Coordinating Committee to ensure that the classification system and best practices are reflective of industry needs and public desires.

In keeping with the trails strategy, we agree that the establishment of targets will facilitate trail development, enhance trail experience and increase awareness of trails as important contributions to quality of life in Ontario. We would encourage the development of financial and other supports for trails organizations to help meet these targets.

We support establishing the ability to form easements for trails. We would note that the ability to form an easement for a trail already exists and existed before the proposal for this trails act. Conservation authorities, including Essex region, hold and are named in easements for natural areas and other purposes, and we are also named in easements related to trails on public and private lands. These easements are tools to identify and for managing agencies to satisfy criteria or conditions that are included in these easements. These easements are always voluntary and always involve willing partners.

We would like to see this easement strengthened, similar to the speaker before me, to become a more effective tool for trail creation and management. We would suggest that entering into a trail easement brings with it some form of incentive in the form a tax incentive, perhaps, such as the Conservation Land Tax Incentive Program, the Managed Forest Tax Incentive Program or some form of compensatory payment that's tied to demonstration of criteria associated with that incentive. These tools, we believe, are especially needed to facilitate completion of trail networks and, in particular, connecting key trails as part of a broader regional or provincial network. We support the specific use of trail easements for trail purposes and believe that these added mechanisms will help us get there.

With respect to amendments to the Occupiers' Liability Act, we welcome the clarification around payment for access, but believe there is still scope for some interpretation in respect to whether access is charged or not. For



example, if one area of access is non-charge and in another a charge applies to the same organization that operates both, can these organizations apply different managing standards to the two sets of trails?

What would be of increased value is greater clarity around negligence as it relates to trails. We would suggest a better test of “reckless disregard” in respect to standards and care owed. We would also encourage the province to consider strengthening the amendments to the Occupiers’ Liability Act to further clarify and firmly place the onus of responsibility on the trail user, rather than the manager or landowner. Requiring trail users to be aware of the nature of the trail which they are accessing would, we believe, better protect organizations that manage and provide trails, and the landowners whose land these trails are found on.

The province is also urged to consider legislation from other jurisdictions, such as the land reform legislation in Scotland, which has a longer tradition of trails and has actually created trails as part of their emphasis on the value of land in their country and recognizing the importance of those lands as an attractant to people to come visit and use their lands.

Similarly, though increasing the value of fines may be an additional deterrent, fines are rarely levied by trail managers, and if so, fines do not meet the existing maximums. It’s challenging, then, to see how this may facilitate greater use of these provincial offence powers or increased fines being levied. As an alternative, we would urge the province to facilitate greater enforcement of existing instruments by providing funding and support to trail providers such as conservation authorities, which have designated conservation officers to build enforcement programs to support sustainable and appropriate trail use on public and private lands where easements are held.

Once again, we thank you for the opportunity to provide comments on the bill. Conservation Ontario remains supportive of the vision, goals and objectives of the Ontario Trails Strategy and the intent of the proposed act. Our comments draw on our collective experiences in creating, managing, operating and using trails and greenways in both northern and southern Ontario. In many areas, conservation authorities are the first to advocate for and develop trails. We work to ensure that they reflect local and regional needs and respond to local and regional concerns.

Again, speaking on behalf of Essex region, our greenways that we acquire and develop are actually done without municipal levy. We acquire and build greenways with support from our corporate partners, through our foundation and through provincial and federal programs. In fact, we will be working with the town of Tecumseh, which recently received a cycling grant, to help connect our own Chrysler Canada Greenway to the Herb Gray Parkway trails, as well as trails in Tecumseh and Listowel. That’s an important gap for us and it’s one that, through the support of the Ontario Trails Strategy, we’re able to achieve.

Because of our tremendous history, we look forward to not only being actively involved in the implementation

of this act, but also in the continuation of regulation and other tools related to this act. Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you very much. We’ll move to Mr. Miller for questions.

**Mr. Paul Miller:** Thank you for your presentation. I sat on the board of the Hamilton Conservation Authority for a few years and I’m well aware of the great work you do in all conservation authorities in the province. We thank you for your good work.

I listened to your presentation. You explained what conservation authorities are all about, and I’m well aware of that. I noticed you mentioned the money for the landowners—some kind of tax benefit. I’m not opposed to such a suggestion, but I noticed you commented on how you felt you were part of this process throughout the whole situation. Do you feel that you were part of it and that you were notified enough?

**Mr. Richard Wyma:** I believe we were, both from the Essex Region Conservation Authority as well as—

**Mr. Paul Miller:** Now, that would be in the Essex area, which is southwestern Ontario.

**Mr. Richard Wyma:** —as well as through Conservation Ontario, which represents 36 CAs across Ontario.

**Mr. Paul Miller:** Yes, but I don’t think there’s been a lot done in northern Ontario, to be honest with you. I didn’t hear any mention of that in your presentation. I also—

**Mr. Richard Wyma:** We—

**Mr. Paul Miller:** I’m asking a question here.

I also noticed that you didn’t mention anything about the landowners’ concerns about access, liability and all that. You avoided that, and you had no position on that other than on the easement situation. I know that some conservation authorities already have easements. We do, along the Bruce Trail in the conservation authority in Hamilton. We have those. So I’m well aware of that. But I’m concerned that you did not identify the landowners’ concerns. What do you have to say about that?

**Mr. Richard Wyma:** Well, again, when we develop our trails and our trail systems in Essex region or in any of the 36—which includes five conservation authorities in northern Ontario—we develop those in heavy consultation with the public. We look at it, and when we talk about landowner issues, even on lands that we own, we work with our neighbouring and adjacent landowners to ensure that any concerns that they have are addressed. So we, again, as trail managers and operators, value the input that we get from our public, especially those who live adjacent to the trails. We work very closely with them to address their concerns.

**Mr. Paul Miller:** Okay, but I’ve heard from several presenters that a lot of these are handshakes and have been for many decades. With conservation authorities or whoever, they’ve had these types of things. Now, with this concern about Bill 100, a lot of landowners have developed this fear—even though it’s been spelled out, the government thinks, to their satisfaction. I think if they had actually sat down with some of the landowners in northern Ontario and other regions and explained exactly where they stood—because there are a lot of miscon-



ceptions, a lot of rumours out there, that have made these landowners a little bit afraid of allowing access to their land. Would that be a fair statement, that it could have been more clarified?

1430

**Mr. Richard Wyma:** As it relates to the work that we as conservation authorities do, I wouldn't agree with that statement.

**Mr. Paul Miller:** I wasn't asking about the work you did. I was saying that the people who are landowners have had questionable—they're getting mixed messages on this bill. What I asked you was, do you think, in your opinion, with all this organization that you have, that they've been notified?

**The Chair (Mr. Monte McNaughton):** And with that, Mr. Miller—I apologize—we have to move to the government and—

**Mr. Paul Miller:** I guess I'm not going to get an answer on that.

**The Chair (Mr. Monte McNaughton):** Sorry, which government member is going to be asking questions?

**Ms. Eleanor McMahon:** It's Ms. McMahon.

**The Chair (Mr. Monte McNaughton):** Ms. McMahon. Great.

**Ms. Eleanor McMahon:** Thank you, Mr. Chair.

Delighted to see you. I'm going to take 10 seconds and just say that I recall the first time we met. I was down in Windsor—Essex, I think—at the CWATS presentation. The County Wide Active Transportation System in Essex is vibrant and growing strong. I know that the conservation authority, ERCA, which is a fabulous organization, really works so well with local organizations and municipalities and landowners, especially in the context of the Amherstburg-Essex Greenway and the Chrysler Canada Greenway, in order to allow access. So I'm delighted to have you here. Thank you again for your work.

There has been a lot of conversation today about easements and the flexibility inherent in existing agreements, and the importance of that flexibility to your work, for example. Could you maybe enlighten us about conservation easements and other arrangements that you have that are working?

**Mr. Richard Wyma:** Sure. One of the reasons why we do support the use of easements is because it provides clarity to the landowners, the trail users and the trail managers in terms of what the rules are, if you will. It allows us, as conservation officers, to apply those rules and to ensure that those rules are being met. In our estimation, and in our respect, it does provide clarity in terms of what can and can't go on, on those properties.

As we've found, with the easements that we do have for trails—and we have a number of them and are currently negotiating some more right now—these easements are actually desired by the landowners we're working with, because they want to see that clarity and they want to know, if they have an issue, that the issues will be addressed through the tools that are available.

**Ms. Eleanor McMahon:** It's interesting, because my riding backs onto the Bruce Trail, so I know that they are

also looking for that clarity and that ability to have that flexibility, because they find that there's great co-operation and they'd like to enshrine that. I'm hearing the same thing from you.

I think I heard in your presentation a desire to strengthen the Occupiers' Liability Act. Can you expand on that a little bit?

**Mr. Richard Wyma:** I think my comments were in terms of how we look at who has the responsibility as it relates to who is using the trails and who is using these facilities. We know that there are issues with respect to how liabilities are applied, and amounts of liabilities and amounts of awards, in cases where, as we argue and we believe, there should have been a greater onus on the trail user for the expectations that are there.

Through the mechanisms that could be available, we could look at reckless disregard, instead of just negligence, and tools like that, as it relates to providing clarity in terms of what the conditions and the experiences of the trail might be.

**Ms. Eleanor McMahon:** I heard you talk about the international context, which is so important, given the fact that Michigan is right there. I know that in the United States, they have a rubric of protection for their trails acts, and they celebrate their trails really well—

**The Chair (Mr. Monte McNaughton):** Ms. McMahon, I apologize for the three-minute mark.

**Ms. Eleanor McMahon:** Darn. Thank you. It's nice to see you, Richard. Thanks, Mr. Chair.

**The Chair (Mr. Monte McNaughton):** We'll move to the official opposition, and Mr. Clark.

**Mr. Steve Clark:** Thank you for your presentation. I have three conservation authorities in my riding, and they all three deal with people differently. One, South Nation, I have a lot of respect for. They've undertaken some big projects. The other two, especially the one I share with Ms. Kiwala, I have some very serious concerns about how they deal with their business.

One of the things you said, and I want you to clarify it, is that you indicated you favoured an easement over a voluntary agreement. Did I hear that correctly?

**Mr. Richard Wyma:** Again, we work with whatever the interests of the landowner are, if we're working with them. Everything that we do is voluntary, first of all. We talk about and identify the opportunities related to easements, because we believe that does provide that clarity that sometimes handshake agreements do not.

**Mr. Steve Clark:** But you have to recognize—please tell me you recognize—that there are a number of communities—I look at my own community, where the preferred method is the voluntary method and not one that would be an easement. So you have to recognize that, while you may favour, or conservation authorities may favour or whoever you're speaking for, there is a tremendous, very fragile relationship between some property owners and some of the people they deal with for trail access.

**Mr. Richard Wyma:** I would agree that, again, there are different intentions out there, and in some cases an easement may not be the right tool. There are various



other tools through agreements and otherwise that are maybe not as secure as an easement, which we still operate as well. It goes back to what is the intention of what you're trying to do and what is the best tool to do that.

**Mr. Steve Clark:** But a voluntary agreement that the property owner cancels because of fear of Bill 100, I would definitely say that was a fragile agreement. I don't believe and I don't think most people in my caucus would believe that an easement would alleviate that concern of the property owner.

**Mr. Richard Wyma:** Again, in my reading of the work that's before us, it does talk about the importance of voluntary, and I think it comes down to that it's not a requirement to have an easement. It would be whatever is the best tool available.

**Mr. Steve Clark:** So help me out—I probably don't have much time. If this bill was shelved and put on the table, not moved forward to clause-by-clause and resurrected after consultation, brought back in September, it's not the end of the world.

**Mr. Richard Wyma:** There are mechanisms currently for easements. What I think this bill would do is encourage opportunities to enhance those existing easements and I think there is—

**Mr. Steve Clark:** But it's not the end of the world.

**Mr. Richard Wyma:** I think any time you can move something forward to get things done, we should be looking at ways of doing that.

**Mr. Steve Clark:** Well, cancelling agreements isn't getting things done.

**The Chair (Mr. Monte McNaughton):** And that's it. Thank you very much for your presentation. I'd like to, on behalf of the committee, thank everyone who presented on Bill 100.

We're going to, just by way of a reminder, let everyone know that the deadline for written submissions is 6 p.m. on Wednesday, May 11, 2016, and that amendments for Bill 100 will be filed with the Clerk of the Committee by 12 noon on Friday, May 13, 2016.

Ms. Wong? Any questions on that?

**Ms. Soo Wong:** I recall one of the witnesses, because he left his presentation on the subway—can we make sure the Clerk connects with him to make sure we have it electronically? Thank you.

**The Chair (Mr. Monte McNaughton):** Great. Thank you.

I also wanted to let the committee know that we actually did request to change committee rooms for today, but it was denied.

*Interjections.*

**Ms. Soo Wong:** No, there was another committee. You should be respectful. It was nothing to do with the government.

We're going to move on. Everyone has in front of them the details and the budget for the conference coming up in August. I'd like to turn it over to the Clerk to just run through some of those details.

**The Clerk of the Committee (Mr. Trevor Day):**

Once again this year, the committee has been invited to the National Conference of State Legislatures. The committee has gone for the last number of years. In order for the committee to accept this invitation, two things have to happen. We have to approve a budget for the Board of Internal Economy to look at—it's not for additional funds; it's just for approval to spend the money we already have—and we have to send a letter to the House leaders letting them know that we would like a motion in the House authorizing us to travel this summer.

There's a draft budget before you. It is very similar to last year's budget. The only differences are really that the registration fee has gone up a little bit and—what was the other one?—accommodation has gone up, and the dollar has also gone down. So it is a little more expensive than last year's, but this is what we're looking at.

The other thing about this budget is that we have budgeted for the most in terms of plane tickets. We have to get you fully refundable, fully exchangeable. If you purchase them yourselves, you'll get them much cheaper than what we have here. But if we're buying tickets for you, because there might be changes, we have to get the more expensive tickets on your behalf.

**The Chair (Mr. Monte McNaughton):** Do we have a mover to approve the budget?

**Ms. Soo Wong:** I thought I was supposed to do the letter first.

**The Chair (Mr. Monte McNaughton):** It doesn't matter which order.

**Ms. Soo Wong:** It doesn't matter which order. Okay.

I move that the committee approve a budget in the amount of \$45,500 for the committee and staff to attend the annual meeting of the National Conference of State Legislatures and that the final budget be submitted to the Speaker and the Board of Internal Economy for their approval.

**The Chair (Mr. Monte McNaughton):** Shall the motion carry? Carried.

Mr. Clark?

**Mr. Steve Clark:** I move that the Chair write a letter to the House leaders expressing the committee's willingness to accept the invitation to attend the 2016 annual meeting of the National Conference of State Legislatures in Chicago, Illinois, from August 7 to 11, 2016, and request that a motion be presented to the House that the Standing Committee on the Legislative Assembly be authorized to attend the 2016 annual meeting of the National Conference of State Legislatures in Chicago, Illinois.

**The Chair (Mr. Monte McNaughton):** Shall the motion carry? Carried.

We now will adjourn until next Wednesday.

*The committee adjourned at 1440.*

## COMMITTEE BUSINESS

**The Chair (Mr. Monte McNaughton):** Order.

## CONTENTS

Wednesday 11 May 2016

Supporting Ontario's Trails Act, 2016, Bill 100, Mr. Coteau / Loi de 2016 sur le soutien aux sentiers de l'Ontario, projet de loi 100, M. Coteau.....	M-285
Ontario Federation of Anglers and Hunters .....	M-285
Mr. Greg Farrant	
Ontario Landowners Association .....	M-288
Ms. Elizabeth Marshall	
Ontario Federation of 4 Wheel Drive Recreationists .....	M-292
Mr. Peter Wood	
Avon Trail.....	M-295
Mr. Bernard Goward	
Essex Region Conservation Authority; Conservation Ontario; Ontario Trails Coordinating Committee.....	M-297
Mr. Richard Wyma	
Committee business.....	M-301

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### Chair / Président

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### Vice-Chair / Vice-Président

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Granville Anderson (Durham L)

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### Substitutions / Membres remplaçants

Mr. Paul Miller (Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek ND)

#### Clerk / Greffier

Mr. Trevor Day

#### Staff / Personnel

Ms. Mercedes Lee, research officer,  
Research Services





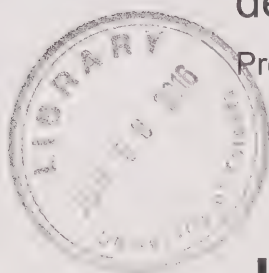
ISSN 1180-436X

**Legislative Assembly  
of Ontario**

First Session, 41<sup>st</sup> Parliament

**Assemblée législative  
de l'Ontario**

Première session, 41<sup>e</sup> législature



**Official Report  
of Debates  
(Hansard)**

Wednesday 18 May 2016

**Journal  
des débats  
(Hansard)**

Mercredi 18 mai 2016

**Standing Committee on  
the Legislative Assembly**

Supporting Ontario's Trails  
Act, 2016

**Comité permanent de  
l'Assemblée législative**

Loi de 2016 sur le soutien  
aux sentiers de l'Ontario

### **Hansard on the Internet**

Hansard and other documents of the Legislative Assembly can be on your personal computer within hours after each sitting. The address is:

<http://www.ontla.on.ca/>

### **Index inquiries**

Reference to a cumulative index of previous issues may be obtained by calling the Hansard Reporting Service indexing staff at 416-325-7410 or 416-325-3708.

### **Le Journal des débats sur Internet**

L'adresse pour faire paraître sur votre ordinateur personnel le Journal et d'autres documents de l'Assemblée législative en quelques heures seulement après la séance est :

### **Renseignements sur l'index**

Adressez vos questions portant sur des numéros précédents du Journal des débats au personnel de l'index, qui vous fourniront des références aux pages dans l'index cumulatif, en composant le 416-325-7410 ou le 416-325-3708.





## LEGISLATIVE ASSEMBLY OF ONTARIO

## ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON  
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE  
L'ASSEMBLÉE LÉGISLATIVE

Wednesday 18 May 2016

Mercredi 18 mai 2016

*The committee met at 1302 in committee room 1.*SUPPORTING ONTARIO'S TRAILS  
ACT, 2016LOI DE 2016 SUR LE SOUTIEN  
AUX SENTIERS DE L'ONTARIO

Consideration of the following bill:

Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts / Projet de loi 100, Loi édictant la Loi de 2016 sur les sentiers de l'Ontario et modifiant diverses lois.

**The Chair (Mr. Monte McNaughton):** Good afternoon, everyone. Welcome to the Standing Committee on the Legislative Assembly. We're here to consider clause-by-clause for Bill 100, An Act to enact the Ontario Trails Act, 2016 and to amend various Acts.

Are there any comments, questions or amendments to any section of the bill, and if so, to which section? Mr. Miller.

**Mr. Paul Miller:** Obviously, we are agreeable on most of the bill. There are a few contentious issues that will be dealt with here, I'm sure. I think that there has been some flexibility shown by government on some of the amendments, which is good.

On the whole, I certainly hope that it's going to improve the trail system in Ontario. Hopefully, we can minimize the landowners' concerns as to their welcoming arms, which will be good. I think that can happen with a little co-operation.

I would just ask the Chair, when you go through the sections—obviously, it's highlighted—that you notify us of our—sometimes when you do sections as opposed to one at a time, people miss things. So please alert us that we have something in there that we could deal with.

**The Chair (Mr. Monte McNaughton):** Okay, I will. Thank you.

Mr. Clark.

**Mr. Steve Clark:** I think that this has been an interesting exercise and I would hope that it would have taught the government that having consultations a couple of years ago isn't really good enough when it comes to the bill.

I still contend that if the minister had taken that original letter I sent him, taken the bill off the order paper and allowed communities to understand the bill better, we would have been in a much better position. I think

that there would have been less angst, certainly from my riding. There wouldn't have been trails that are still closed today, in terms of snowmobile clubs. I was at a snowmobile club on Sunday and we were celebrating a Trillium grant, one of the last capital Trillium grants that might be given out under this government, and there was still some concern. The club that I was at certainly didn't have the challenges that other clubs in my riding did.

I guess that the proof will be in the pudding, right? The proof will be, when this day is over and the bill is brought back to the House and ultimately dealt with, will the government make a commitment to go to some of those communities that this committee didn't travel to? I think there was a will on this side of the table that we should have taken this bill and had a bit of travel, and that didn't take place.

I hope that the government—and I hate to say the word “government” because I got chastised last meeting for directing comments at the government. But let's face it: It is a majority government, and the ministry could very well reach out to those areas that have had trails closed, that have had issues, and try to fix them.

Regardless of how votes are cast today, I think there still is work for the ministry. I wouldn't have them sit back and pat themselves on the back. There's still work to be done, regardless of the amendments that will be presented and passed or defeated this afternoon. Those are my comments.

**The Chair (Mr. Monte McNaughton):** Thanks, Mr. Clark. Ms. Kiwala.

**Ms. Sophie Kiwala:** I just wanted to start off by saying thank you to all of the opposition members from both parties. I do think that this is an important bill that will advance recreation and tourism in Ontario, and expand our trail use and access. I am also pleased that we have been consulting on this bill since 2005.

I just wanted to bring out a few of the highlights of the bill. We will be looking at over 80,000 kilometres of trails, which is pretty impressive. The Bruce Trail Conservancy did consult with us consistently throughout the process, among quite a few other organizations. I also want to get on the record as well that we did offer to travel and we had an offer on the table to travel to Kingston for public hearings, but the opposition did not take us up on that.

Having said all that, we're at this point now. I would also extend to MPP Clark that I'm happy to come to his

riding and continue the conversation about trails. I don't think the conversation is over.

With that, I turn it back over to you, Mr. Chair.

**The Chair (Mr. Monte McNaughton):** Great. Is there unanimous consent to stand down sections 1 to 3 and deal with schedules first? Agreed? Agreed.

I intend on grouping all sections with no amendments, unless members say otherwise. We're going to group them, and if you don't want me to group them then please let me know.

Any debate on schedule 1, sections 1 to 11?

I'll put the question now: Shall schedule 1, sections 1 to 11, carry? Carried.

I'll move now to schedule 1, section 12. We have government motion number 1. Who's going to read that? Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that clause (e) of the definition of "eligible body" in subsection 12(1) of schedule 1 to the bill be struck out and the following substituted:

"(e) a municipality,"

**The Chair (Mr. Monte McNaughton):** Any debate? Shall it carry? Carried.

Moving on to government amendment number 2: Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that clause (h) of the definition of "eligible body" in subsection 12(1) of schedule 1 to the bill be struck out and the following substituted:

"(h) a corporation incorporated under part III of the Corporations Act or under the Canada Not-for-Profit Corporations Act or a predecessor of that act, and that is a charity registered under the Income Tax Act (Canada);"

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the motion carry? Carried.

We'll move to PC amendment 2.1. Mr. Clark.

**Mr. Steve Clark:** I move that subsection 12(3) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by striking out "with or without covenants" in the portion before clause (a) and substituting "with covenants".

1310

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

We'll move to government amendment number 3. Ms. Kiwala.

**Ms. Sophie Kiwala:** I move that section 12 of schedule 1 to the bill be amended by adding the following subsection:

"Granting of easement voluntary

"(3.1) For greater certainty, the decision to grant an easement under subsection (3) is voluntary."

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

The next two are ruled out of order because they're duplicates, so 3.1 and 3.1.1 are out of order.

We'll move to NDP amendment 3.1.2.

**Mr. Paul Miller:** I move that section 12 of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by adding the following subsection:

"Agreements

"(3.2) For greater certainty, an agreement between the owner of the land and an eligible body that gives the organization the right to use or access all or a portion of the land on a seasonal basis does not constitute an easement for the purposes of this section unless the agreement so specifies."

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

*Interjections.*

**The Chair (Mr. Monte McNaughton):** Opposed? All those in favour? All those opposed? I declare the amendment lost.

**Mr. Steve Clark:** What?

**The Chair (Mr. Monte McNaughton):** When I say, "Shall it carry?" please speak up so I can hear a no clearly.

We'll move to PC amendment 3.2.

**Mr. Steve Clark:** I move that section 12 of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by adding the following subsections:

"Covenant re uses and activities

"(5.1) An easement shall contain one or more covenants, as may be agreed upon by the owner of the land and the eligible body, stating the uses and activities permitted, restricted or prohibited on the land to which the easement relates and a description of those uses and activities.

"Same

"(5.2) A covenant required under subsection (5.1) has effect for the term of the easement."

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

We'll move to PC amendment 3.3. Mr. Clark.

**Mr. Steve Clark:** I move that subsection 12(6) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by striking out "any covenants" and substituting "the covenants".

**The Clerk of the Committee (Mr. Trevor Day):** "Substituting."

**Mr. Steve Clark:** Sorry. Substituting.

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

We'll move to PC amendment 3.4. Mr. Clark.

**Mr. Steve Clark:** I move that the French version of subsection 12(6) of schedule 1 to the bill be amended by striking out "ils sont enregistrés" and substituting "la servitude est enregistrée".

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

We'll move to PC amendment 3.5. Mr. Clark.

**Mr. Steve Clark:** I move that subsection 12(8) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Assignment



“(8) An eligible body shall not assign any easement granted to it under this act.”

**The Chair (Mr. Monte McNaughton):** Any debate? Mr. Miller?

**Mr. Paul Miller:** Mr. Vanthof would like to say something on this.

**Mr. John Vanthof:** We are very much in favour of this clause, the reason being that if easements are allowed to be transferred within bodies, it very well will result in the landowners not entering into the agreement at all. Speaking as a landowner who has a trail on his property, if at a certain time I wanted to enter into a certain agreement because of a bridge or something, that's why the easements are necessary. But if I wasn't in control of who had those easements, I wouldn't give the easement in the first place, and I want that on the record.

If this doesn't pass, it will actually hurt the trail system instead of help it. That's very important because the one issue that's keeping a problem with this bill is that, fine, the trail organizations have been consulted, but the actual property owner? It's impossible to consult them all.

There's nothing more important to a property owner than control of his or her property. If they're going to sign an easement, and there is a possibility of that easement being transferred without their strict permission, they're not going to give an easement in the first place. I would advise them to do that and I will speak to that in the House if this doesn't pass.

**Mr. Paul Miller:** So I—

**The Chair (Mr. Monte McNaughton):** Sorry, we've got to move to Mr. Clark, Ms. Kiwala and then Mr. Miller.

**Mr. Paul Miller:** No, it's just a point of information: I want a recorded vote on this.

**Mr. Steve Clark:** Well, I appreciate the support from the New Democrats and I'm glad that we're having a recorded vote on this amendment. This is a critical amendment to Bill 100, and I think it really culminates what we've heard from property owners in all corners of the province. I do appreciate the offer earlier from the parliamentary assistant to come to my riding, but the motion that we put forward was to travel up north. I appreciate that we have two northern members from the NDP on this side of the table.

This is a big deal. This amendment would clearly afford, in my opinion, the ultimate protection to property owners as they can veto the transfers. I think it's consistent with what many property owners have expressed to me privately, that they hope that the government would consider supporting this amendment. It would be a real, clear sign that they're willing to work with property owners moving forward. I want to thank the New Democrats for supporting this PC amendment.

**The Chair (Mr. Monte McNaughton):** We'll move to Ms. Kiwala.

**Ms. Sophie Kiwala:** Thank you, Mr. Chair. The motion 3.6 does this as well but is more flexible. Also, the clause would prevent the assignment of an easement

from one eligible body, for example the Bruce Trail, to another eligible body, the Ontario Heritage Trust. There are other methods by which one can grant easements currently in provincial law. These include right-of-way easements and conservation easements. By disallowing the assignment of trail easements, eligible bodies would be forced to use more cumbersome and time-consuming methods. I think, in general, it's against the spirit of the bill to expand the trail system in Ontario.

**The Chair (Mr. Monte McNaughton):** Mr. Mantha.

**Mr. Michael Mantha:** My concern is, once again, that we have some trails that are closed right now because of clarity. This will provide some clarity as far as where the responsibility is going to be, who is going to be impacted, whose responsibility it is and who is going to be informed.

During this whole process, the one thing that I have been highlighting during my comments that I've been making is that nobody is against this particular piece of legislation. What they're looking for is clarity. This provides that clarity for individuals so that there is certainty as far as who is going to be involved in the decisions that are going to be made and when those decisions are going to be made.

Again, I want to stress the point that this is a very important amendment as far as clarity, which will enhance and maintain the harmonious relationship that has been there for many, many years between landowners and individuals who use those trails.

**The Chair (Mr. Monte McNaughton):** Any further debate? Mr. Vanthof?

**Mr. John Vanthof:** Short point: This amendment doesn't preclude one body striking an easement with a landowner, and then if another body wants to take that easement over, it doesn't preclude the landowner striking an easement again with the second body. The issue is that the movement of easement, the right to use land, is transferred without the actual consent of the landowner. That's the issue. By removing the consent of the landowner for transfer, you are going to remove the landowner from the initial offer of easement.

**The Chair (Mr. Monte McNaughton):** Any further debate? Ms. McMahon?

1320

**Ms. Eleanor McMahon:** Two things, Mr. Chair. I want to appreciate the passion and substance of my colleagues, and this is a good conversation for us to be having.

Two general comments: The first is that 3.6, the next motion, will address this. Just by way of adding some specificity, the Bruce Trail is in my riding and I know that this is an issue that is of great interest and concern to them. I'm confident that we can find a way here to promote the use of trails—which is what the spirit of this legislation does—and the concerns of landowners. I think colleagues will see the next amendment does that.

**The Chair (Mr. Monte McNaughton):** Any further debate? Are members ready to vote?

**Mr. Paul Miller:** Recorded vote.

**Ayes**

Clark, Paul Miller.

**Nays**

Anderson, Dhillon, Kiwala, McMahon, Wong.

**The Chair (Mr. Monte McNaughton):** I declare the amendment lost.

We'll move to PC amendment 3.6. Mr. Clark?

**Mr. Steve Clark:** I wish that I didn't have to move this. I wish the previous amendment would have passed but we'll try this.

I move that subsection 12(8) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be struck out and the following substituted:

"Assignment

"(8) An easement shall contain one or more covenants, as may be agreed upon by the owner of the land and the eligible body, with respect to the assignment of the easement to another eligible body.

"Same

"(8.1) An easement may be assigned by an eligible body only to another eligible body and only if the following requirements are met:

"1. The eligible body gives the owner of the land reasonable notice of the assignment.

"2. The assignment is in writing.

"3. The assignment is made in accordance with the covenant or covenants referred to in subsection (8).

"Same, registration

"(8.2) An assignment under subsection (8.1) must be registered on title to the land."

**The Chair (Mr. Monte McNaughton):** Any debate on this amendment?

**Mr. Paul Miller:** Recorded vote, please.

**The Chair (Mr. Monte McNaughton):** Are all members ready to vote?

**Ayes**

Anderson, Clark, Dhillon, Kiwala, McMahon, Wong.

**Nays**

Paul Miller.

**The Chair (Mr. Monte McNaughton):** I declare the amendment carried.

We'll move to government amendment number 4.

**Ms. Sophie Kiwala:** We're not going to move this one; we will withdraw.

**The Chair (Mr. Monte McNaughton):** Okay, withdrawn.

We'll move to PC amendment number 5.

**Mr. Steve Clark:** I move that subsection 12(10) of the Ontario Trails Act, 2015, as set out in schedule 1 to the

bill, be amended by striking out "any covenants" and substituting "the covenants".

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

We'll move to PC amendment number 6. Mr. Clark.

**Mr. Steve Clark:** I move that subsection 12(13) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by striking out "any covenants" and substituting "the covenants".

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

We'll move to PC amendment number 7.

**Mr. Steve Clark:** I move that the French version of subsection 12(13) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by striking out "la servitude ou l'engagement est enregistré" and substituting "la servitude est enregistrée".

**The Chair (Mr. Monte McNaughton):** Any debate on this amendment? Shall the amendment carry? Carried.

We'll move to PC amendment number 8. Mr. Clark?

**Mr. Steve Clark:** I move that subsection 12(14) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by striking out "any covenants" and substituting "the covenants".

**The Chair (Mr. Monte McNaughton):** Any debate? Shall the amendment carry? Carried.

We'll move to PC amendment number 9.

**Mr. Steve Clark:** I move that the English version of clause 12(15)(b) of the Ontario Trails Act, 2015, as set out in schedule 1 to the bill, be amended by striking out "any covenants" and substituting "the covenants".

**The Chair (Mr. Monte McNaughton):** Any debate on the amendment? Shall the amendment carry? Carried.

We'll move to NDP amendment number 10. Mr. Miller?

**Mr. Paul Miller:** Recorded vote, please.

I move that section 12 of the Ontario Trails Act, 2015, as set out in schedule 1 of the bill, be amended by adding the following subsection:

"Interpretation

"(17) For greater certainty, nothing in this section shall be interpreted so as to give an eligible body the right or power to reserve or create an easement on an owner's land except in accordance with subsection (3) or (4)."

**The Chair (Mr. Monte McNaughton):** Any debate on this amendment? Mr. Clark?

**Mr. Steve Clark:** I just want to support this motion. I think it provides a greater certainty that it's the landowner's decision to agree or disagree to an easement. So I'll be supporting this motion.

**The Chair (Mr. Monte McNaughton):** Any further debate? Are the members ready to vote? Ms. Kiwala?

**Ms. Sophie Kiwala:** There is further debate, yes. The amendment would restrict the ability of one eligible body to assign an easement to another eligible body. Transfers are not dealt with in subsections 3 or 4. This legislation is supposed to support increased access to trails—it's the



whole nature of the bill—in Ontario. Therefore, the amendment is against the spirit of the bill.

**The Chair (Mr. Monte McNaughton):** Any further debate? Mr. Vanthof?

**Mr. John Vanthof:** Yes. I would like to disagree with that interpretation, because if you read it, “nothing in this section shall be interpreted so as to give an eligible body the right or power to reserve or create an easement.” So it doesn’t say anything about transferring an existing easement; it’s about creating a new one.

One of the issues that is running rampant in the countryside is that giving the ability of—again, a personal example: I signed an agreement with the Ontario Federation of Snowmobile Clubs for seasonal use of my land. I do that in good faith. But there are those that think that signing an annual agreement is a slippery slope to an easement.

All that this amendment does is to clarify once more that this isn’t. So even if I sign a yearly agreement for 10 years or a 10-year agreement to allow the use of my land, that does not constitute an easement unless I volunteer to create an easement. This is just a clarification. It does not restrict. Although I’m not in favour of transferring easements from one body to another, this does not do that.

**The Chair (Mr. Monte McNaughton):** Any further debate? Are members ready to vote? It’s a recorded vote.

**Ayes**

Clark, Paul Miller.

**Nays**

Anderson, Dhillon, Kiwala, McMahon, Wong.

**The Chair (Mr. Monte McNaughton):** I declare the amendment lost.

Shall schedule 1, section 12, as amended, carry? Carried.

Shall schedule 1, sections 13 to 16, carry? Carried.

Shall schedule 1, as amended, carry? Carried.

We’re going to move to schedule 2. Shall schedule 2, sections 1 and 2, carry? Carried.

Shall schedule 2 carry? Carried.

We move to schedule 3. Shall schedule 3, sections 1 and 2, carry? Carried.

Shall schedule 3 carry? Carried.

Shall schedule 4, sections 1 and 2, carry? Carried.

Shall schedule 4 carry? Carried.

Shall schedule 5, sections 1 to 7, carry? Carried.

Shall schedule 5 carry? Carried.

Shall schedule 6, sections 1 to 3, carry? Carried.

Shall schedule 6 carry? Carried.

We’re going to return to sections 1, 2 and 3 of the bill. Shall sections 1 to 3 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 100, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

No further business. This committee stands adjourned.

*The committee adjourned at 1330.*

## CONTENTS

Wednesday 18 May 2016

Supporting Ontario's Trails Act, 2016, Bill 100, Mr. Coteau / Loi de 2016 sur le  
soutien aux sentiers de l'Ontario, projet de loi 100, M. Coteau..... M-303

### STANDING COMMITTEE ON THE LEGISLATIVE ASSEMBLY

#### Chair / Président

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

#### Vice-Chair / Vice-Président

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Granville Anderson (Durham L)

Mr. Robert Bailey (Sarnia–Lambton PC)

Mr. Steve Clark (Leeds–Grenville PC)

Mr. Vic Dhillon (Brampton West / Brampton-Ouest L)

Ms. Sophie Kiwala (Kingston and the Islands / Kingston et les Îles L)

Mr. Michael Mantha (Algoma–Manitoulin ND)

Ms. Eleanor McMahon (Burlington L)

Mr. Monte McNaughton (Lambton–Kent–Middlesex PC)

Ms. Soo Wong (Scarborough–Agincourt L)

#### Substitutions / Membres remplaçants

Mr. Paul Miller (Hamilton East–Stoney Creek / Hamilton-Est–Stoney Creek ND)

#### Also taking part / Autres participants et participantes

Mr. John Vanthof (Timiskaming–Cochrane ND)

#### Clerk / Greffier

Mr. Trevor Day

#### Staff / Personnel

Mr. Bradley Warden, legislative counsel















3 1761 11467114 2